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'Handfasting' in Scotland

IN *The Monastery* Sir Walter Scott makes Avenel say: 'We Bordermen . . . take our wives, like our horses, upon trial. When we are handfasted, as we term it, we are man and wife for a year and a day; that space gone by, each may choose another mate, or at their pleasure, may call the priest to marry them for life—and this we call handfasting.'[1] Many other writers, less ostensibly writing fiction, have assumed that such a custom was indeed known in medieval Scotland.[2] W. F. Skene, for example, gives quite a circumstantial description of the custom, saying that, if during the period of trial 'the lady became a mother, or proved to be with child, the marriage became good in law, even although no priest had performed the marriage ceremony in due form'. He adds that 'the highlanders themselves draw a very strong distinction between bastard sons and the sons of their handfast unions, whom they considered legitimate'.[3] Dr Cameron claimed handfasting to be one of the few Celtic customs surviving in Scots law.[4] From these and other Scottish writers the idea that the marriage for a year and a day was an ancient Scottish custom has found its way into books on anthropology, such as Westermarck's *History of Human Marriage*,[5] into books on comparative legal history such as Vinogradoff's *Historical Jurisprudence*,[6] and

[1] Sir Walter Scott, *The Monastery*, c. xxv.

[2] Donald Gregory, *History of the Western Highlands of Scotland* (2nd ed.), 41, 330; Angus J. and Archibald MacDonald, *The Clan Donald*, i, 432, iii, 130; Donald A. Mackenzie, *Scottish Folk-Lore and Folk Life*, 34; J. G. Dalzell, *The Darker Superstitions of Scotland*, 283; Charles Rogers, *Scotland, Social and Domestic*, 109; Andrew Lang, *History of Scotland*, ii, 530, 533. Cosmo Innes was a notable exception to these: cf. *Scotland in the Middle Ages*, 178.

[3] W. F. Skene, *The Highlanders of Scotland* (ed. A. MacBain), 108, 109.

[4] John Cameron, *Celtic Law*, 196; idem, in *Sources and Literature of Scots Law* (Stair Society), 352.

[5] Edward Westermarck, *The History of Human Marriage* (5th ed.), i, 135.

[6] Sir Paul Vinogradoff, *Outlines of Historical Jurisprudence*, i, 244 et seq.

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even into Jolowicz's *Historical Introduction to Roman Law*.[1]
The widespread assumption that handfasting in this sense
existed in medieval Scotland would alone justify an examin-
ation of the historical basis of handfasting, but to a Scots
lawyer the matter is of special interest. A widow formerly had
no right to terce or *jus relictae* unless the marriage had subsisted
for a year and a day or a child had been born who had been
heard to cry.[2] If a custom such as that described by Skene did
exist at one time among the peoples who came to occupy
Scotland, there would be an obvious explanation for this
limitation of the rights of terce and *jus relictae*, an explanation
which was accepted by MacLennan.[3] Did such a custom, then,
prevail in Scotland in early times?

Skene's remark that the handfast marriage became good in
law even although no priest had performed the marriage cere-
mony in due form suggests that he believed that in medieval
Scotland the intervention of a priest was normally required to
make a marriage good in law. This is a serious misconception
of the attitude of the medieval Church to marriage. In early
times the Church concerned itself little with the forms of
marriage and was slow to disturb existing practices. Prior to
the Germanic invasions, the Church adhered to Roman law and
custom in regard to marriage rites, and after these invasions
to the law and custom of the invaders.[4] Among the people
who came to inhabit Northumbria and the Lothians, as well as
among other Germanic peoples, the nuptials were completed
in two distinct phases. There was first the betrothal ceremony
and later the giving-away of the wife to the husband.[5] The
betrothal ceremony was called the *beweddung* in Anglo-Saxon
because in it the future husband gave *weds* or sureties to the
woman's relatives, initially for payment to them of a suitable
price for his bride but later for payment to her of a suitable
dower and morning-gift.[6] The parties plighted their troth and

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[1] H. F. Jolowicz, *Historical Introduction to Roman Law* (2nd ed.), 116.
The Roman lawyer is interested in the analogies between handfasting in
Skene's sense and marriage *usu* according to which if a woman 'remained
married' (*nupta perseverabat*) for a year she came under her husband's *manus*.
[2] This rule was abolished by the Intestate Moveable Succession Act, 1855.
[3] D. MacLennan, *The Patriarchal Theory* (London, 1885), 148.
[4] *Dictionnaire de la Théologie Catholique* (Paris, 1926), ix, 2124; G. E.
Howard, *A History of Matrimonial Institutions* (London, 1904), i, 291.
[5] John Thrupp, *The Anglo-Saxon Home* (London, 1862), 42 et seq.; Howard,
ut cit., 258 et seq.
[6] E. W. Robertson, *Historical Essays*, 173.

the contract was sealed, like any other contract, by a hand-shake. This joining of hands was called a *handfæstung* in Anglo-Saxon, and the same word is found in different forms in the German, Swedish and Danish languages.[1] In each it means a pledge by the giving of the hand. Associated with the ceremony are holed stones found in various parts of the country under such names as 'plighting-stone', 'swearing-stone', 'betrothal-stone' and 'bridal-stone'.[2]

The joining of the hands became a feature of betrothals in Scotland and in England during the medieval period. A Scottish protocol narrates that on 24 July 1556, the Vicar of Aberdour 'ministrat and execut the office anent the handfasting betwix Robert Lawder younger of the Bass and Jane Hepburn docter to Patrick Errl Botwell in thir vordis following: "I Robert Lawder tak thow Jane Hepburne to my spousit wyf as the law of the Haly Kirk schawis and thereto I plycht thow my trewht and syklyk I the said Jane Hepburne takis you Robert Lawder to my spousit husband as the law of the Haly Kirk schaws and therto I plycht to thow my trewth," and execut the residew of the said maner of handfasting conforme to the consuetud usit and wont in syk casis'.[3] What this 'consuetude' was may be gathered from a protocol on the *sponsalia* of David Boswell of Auchinleck and Janet Hamilton, daughter of the Earl of Arran. After the consents had been exchanged 'the curate with the consent of both parties with their hands joined betrothed the said David and Janet who took oath as is the custom of the Church'.[4] In fact the ceremony of joining hands became so closely associated with betrothals in medieval times that in Scotland,[5] and apparently in the north of England,[6] the ordinary term for a betrothal was a handfasting.

[1] Bosworth's *Anglo-Saxon Dictionary*, s.v. 'Hand-fæstung'.

[2] J. J. Vernon, 'Betrothal and other perforated stones', in *Transactions of Hawick Archaeological Society*, 1911, pp. 57 et seq.

[3] *Carte Monalium de Northberwic* (Bannatyne Club), 72.

[4] *Protocol Book of Thomas Johnsoun* (Scottish Record Society), No. 40.

[5] *Carte Monalium de Northberwic*, ut cit., 72, 75; *Ecclesiastical Records of Aberdeen* (Spalding Club), 11; *Acts of the Lords of Council in Civil Causes* (1496-1501), p. cxxviii; *Protocol Book of Gilbert Grote* (Scottish Record Society), No. 38; MS. *Protocol Book of Sir John Crawford* (1541-50), in H.M. General Register House, Edinburgh, fo. 29 b. When, in 1572, John, Lord Maxwell, was betrothed to the Earl of Angus's sister, it was said to be by handfasting (*Historie of King James the Sext*, Bannatyne Club, 98).

[6] *Acts of the Chapter of the Collegiate Church of SS. Peter and Wilfrid, Ripon, 1452-1506* (Surtees Society), 159 et seq.

The use of the term in this sense persisted in Elgin as late as 1635.[1]

The second part of the nuptials was the giving-away of the bride by her father or other relative, which is said to be a survival of the days when marriage was a contract of purchase by the husband.[2] At first the Church seems to have been little concerned about the precise form of the giving-away ceremony. Her energies were directed principally to seeing that parties should not contract marriage who were disabled by ecclesiastical law from doing so.[3] It became the practice, however, from early times that the newly married couple should attend mass and receive benediction on the day following the giving-away. This probably had no legal significance. Even when the time of the nuptial mass was advanced to follow consecutively after the ceremonial giving-away of the bride, the mass was not part of the giving-away ceremony. That ceremony, being a secular one, was performed at the church door, in Scotland[4] as elsewhere in medieval Europe.[5] Chaucer's reference to the Wife of Bath's husbands 'at churche dore'[6] finds its counterpart in a Scottish poem, the *Court of Venus*: 'They quhilk at Kirk dur takis wife to wed.'[7] The 'marriage porch' is a feature of several Scottish churches.[8]

The form of the proceedings at the church door is illustrated in a protocol in which the parties to the marriage, William, Lord Graham, and Annabella Drummond, swore that they knew of no hindrance to their marriage nor had made contract before, 'but saying they wished spontaneously to complete the said marriage gave their corporal oaths thereon on the Holy Gospels, the said Sir Alexander [i.e. the priest] put the right hand of the said William in the said Annabella's hand and, *per verba matrimonii de presenti*, as use is, fully conjoined the

[1] *Records of Elgin* (Spalding Club), i, 92, ii, 229-30.
[2] Howard, ut. cit., 258 et seq.
[3] A. O. Anderson, *Early Sources of Scottish History*, i, 132, quoting *Joceline's Life of St. Kentigern*; ibid., ii, 73, quoting Turgot's *Life of Queen Margaret*. Cf. Pollock and Maitland, *History of English Law* (Cambridge, 1895), ii, 365.
[4] Joseph Stevenson (ed.), *Documents illustrative of the history of Scotland*, 380; John Riddell, *Tracts Legal and Historical* (Edinburgh, 1835), 209; *Liber Officialis Sancti Andree* (Bannatyne Club), 143.
[5] *Dictionnaire de la Théologie Catholique*, ut cit., ix, 2191; Howard, ut cit., 300.
[6] *Prologue*, l. 460.
[7] John Rolland, *The Court of Venus* (Scottish Text Society), Book 3, ll. 469-72.
[8] e.g. St. Machar's Cathedral, Aberdeen, and St. John's, Perth. The writer is grateful to Dr Douglas Simpson for this information.

said William and Annabella in nuptial covenant and contract
of marriage, who in name of matrimony kissed each other'.[1]
This custom of clasping hands was also in use in England.
The marriage between James IV of Scotland and Margaret
Tudor was first celebrated by proxy in England on 25 January
1501/2, and James's procurator was Patrick, Earl of Bothwell.
An instrument on the proceedings narrates the exchange of
consents and proceeds: 'Eadem clarissima domina Mergereta
manum eius dexteram in manu dextera nobilis comitis et
procuratoris antedicti coniunxit.'[2] The ritual of Sarum, which
was widely followed in Scotland,[3] directs: 'Then the woman is
given away by her father or by her friends. Her hand, gloved
if she is a widow otherwise ungloved, is taken by the man to
keep in God's faith and his own, as he has vowed before the
priest; and he holds her by the right hand in his right hand,
and so the man plights his troth to the woman in words of the
present tense.'[4] In the Sarum use the priest then asks the
dower of the woman, that is to say the goods with which she is
endowed by her husband, and, in at least one manual of the
Sarum use, it is prescribed that, whether or not there is land
in the dowry, the woman shall kiss her husband's right foot.[5]
There are many Scottish references to the dower and morning
gift being granted by the husband to the wife at the church
door—*ad fores ecclesie*.[6] There was then a prayer and bene-
diction and it was only after this that the parties entered the
church for the celebration of the bridal mass.

It is worth insisting that the essence of the marriage was
the exchange of consents in words of the present tense. Arch-
bishop Hamilton's catechism sets out the appropriate verbal
formula: 'Quhen the man sais to the woman, I tak the to my
weddit wyfe, and the woman sais to the man, I tak the to my
maryit husband, baith of thame ending thir wordis be invoca-
tioun of God, sayand: In the name of the father and the sonne,

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[1] R. Renwick (ed.), *Charters relating to the Royal Burgh of Stirling*, 203.
[2] J. D. Marwick (ed.), *Extracts from the Records of the Burgh of Edinburgh*,
i, 94.
[3] John Dowden, *The Medieval Church in Scotland*, 255.
[4] W. G. Henderson (ed.), *The York Manual etc.* (Surtees Society), Sarum
Manual Appendix, 17* et seq.
[5] Ibid., 20*n*.
[6] Riddell, ut cit., 208 et seq.; *Liber Officialis Sancti Andree*, ut cit., 143;
Bute MS. Collection of Brieves (Stair Society), Nos. 60, 61; MS. Protocols of
Sir James Darow, in H.M. General Register House, fo. 76, protocol dated
11 February 1472/3.

and the haly spreit.' 'This consent', the catechism proceeds,
'to carnal copulatioun, expremit be the wordis of the present
tyme, is the cause of matrimony.'[1] The exchange of these
words between habile persons constituted a marriage, whether
this was done in public or in private and whether or not
followed by nuptial mass. The intervention of a priest was
unnecessary. Marriage was indeed one of the sacraments, but
it differed from the others in that the parties to the marriage
were themselves the ministers of the sacrament.[2]

But there were obvious dangers associated with clandestine
marriages and, in 1215, the Fourth Lateran Council, general-
ising the existing practice in many parts of Christendom, pro-
vided for the publishing of banns.[3] The instructions of the
Council are echoed in Scottish provincial and diocesan statutes
from the thirteenth century onwards.[4] But neither the anterior
publication of banns nor the solemnisation of the marriage in
the face of the church was made a *sine qua non* of marriage.[5]
Lord Fraser, who wrote the leading Scottish text-book on the
law of marriage, shared the contrary view adopted by Skene[6];
but he seems to have misunderstood this aspect of the medieval
law of marriage. William Hay, the Vice-principal of King's
College, Aberdeen, writing in 1535, points out that, although
the parties to a clandestine marriage sinned and were liable
to ecclesiastical censures, still the marriage held good: 'Quam-
vis persone legitime contrahentes matrimonium clandestinum
peccant, tamen matrimonium tenet.'[7] He goes on to say that,
while to contract marriage in face of the church was one of the
things to be desired in marriage, it was not one of the essentials
of it.

One type of clandestine marriage gave rise to many problems.
The church had long considered, and it was authoritatively so
declared by Gregory IX in 1236,[8] that a promise of future

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[1] Fos. clxvii b and clxviii a; T. G. Law (ed.), *The Catechism of John Hamilton*
(Oxford, 1884), 239.

[2] *Dictionnaire de la Théologie Catholique*, ut cit., ix, 2206.

[3] Decretals, Gregory IX, 4.3.3.

[4] Joseph Robertson (ed.), *Statuta Ecclesiæ Scoticanæ* (Bannatyne Club),
Nos. 66, 83, 121, 124, 155, 156, 251, 252.

[5] A. Esmein, *Le Mariage en Droit Canonique* (Paris, 1891), i, 178 et seq.

[6] Patrick Fraser, *Treatise on Husband and Wife* (Edinburgh, 1876), 229
et seq.

[7] MS. Lectures of William Hay, (Aberdeen University Library MS. No.
239), fo. 50r°2; cf. Dowden, *The Medieval Church in Scotland*, 251.

[8] Decretals, Gregory IX, 4.1.30.

marriage followed by intercourse on the faith of the promise amounted to marriage. Hay tells us that there was a marriage when intercourse followed a promise if the parties had intercourse with matrimonial intent; that is, for the procreation of children and not for the gratification of desire. This distinction may appear to be unnecessarily fine, but it was one of the *forum internum* only. In the *forum externum* the ecclesiastical judge presumed the interior matrimonial intent from the fact of intercourse, because the good was always to be presumed.[1] In law, then, a betrothal or handfasting between habile persons followed by intercourse amounted to marriage, and it was a commonplace for a woman to be referred to in legal documents as a 'handfast wyf *per verba de futuro*'.[2] In 1517 King James V confirmed a grant of lands to 'dilecto consanguineo nostro Georgio Lesley comiti de Rothes domino Lesly et consanguinee nostre Margarete Creichtoun sponse sue affidate per verba de futuro cum carnali copula inde secuta'.[3] Shakespeare refers to such marriages when he says:

> . . . She is fast my wife,
> Save that we do th' denunciation lack,
> Of outward order . . .[4]

The church strongly disapproved of these marriages *per verba de futuro*. They were clandestine because they were not preceded by banns according to canon law, the provincial statutes of the church in Scotland, and the custom of the land. Hay, quoting Petrus de Palude, says that there was a clandestine marriage *inter alia* when it was contracted without witnesses or when the parties came together before the nuptial benediction: *hoc est cognoscentes se carnaliter sive post sponsalia sive post matrimonium per verba de presenti et ante solemnizationem matrimonii*.[5] He goes on to say that many evils proceeded from clandestine marriages: 'the dissolutions of true marriages—for example, when parties who have in fact entered into a true marriage deny that they have done so; or where one party denies that there was a contract and the other party affirms that there was; likewise because the children may be held illegitimate as may be the case when the parties are within the prohibited

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1 Hay's MS. Lectures, ut cit., fo. 78v°1.
2 R. Renwick (ed.), *Glasgow Protocols*, iv, Nos. 1075, 1242; cf. also No. 1223.
3 *Antiquities of Aberdeen and Banff*, iv, 319.
4 *Measure for Measure*, I.ii.157-9.
5 Hay's *Lectures*, ut cit., fo. 50v°1.

degrees, and that although they are ignorant of the impediment. This ignorance is to be reputed feigned or affected when banns do not precede the marriage.'[1] It will be recalled that in the ordinary case, where the marriage was celebrated *in facie ecclesie* after proclamation of banns, the children were reputed legitimate even if the marriage was afterwards found to be null owing to the discovery of a canonical impediment; that is, provided that the parties were in *bona fide* ignorance of the impediment. Where the marriage was a clandestine one, on the other hand, the informality of the proceedings was held to induce a presumption of *mala fides*.[2] Andrew Forman, who was Archbishop of St. Andrews from 1516 to 1521, was particularly concerned about marriages *per verba de futuro* followed by intercourse, which he referred to as 'an evil custom or corruption which, by instigation of the enemy of the human race had increased in this his diocese of St. Andrews to an extent deserving condemnation'.[3] He therefore strictly prohibited parties who had contracted spousals from having carnal union until the marriage had been lawfully contracted and solemnised in the face of the Church by a form signifying that it was then and there made binding.

Since, in law, betrothals followed by intercourse amounted to marriage, it became important that they should be celebrated publicly and, as early as the thirteenth century, Scottish synodal statutes ordained that pledges of intended marriage were not to be made except in the presence of a priest and three or four male persons, who were worthy of credit and had been specially called together for the purpose.[4] But here, again, public celebration of the betrothals never became a *sine qua non* of subsequent marriage.

Because of these objections to marriages *per verba de futuro* the courts spiritual, where there was no canonical impediment, would order the parties to solemnise the marriage *in facie ecclesie*.[5] If the intercourse were denied, the question might be

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[1] Hay's *Lectures*, ut cit., fo. 50r°2, founding on Decretals, Gregory IX, 4.17.14, and 14.22.14. See generally, Esmein, ut cit., i, 183, ii, 34.

[2] Fraser, *The Douglas Book*, iii, No. 181; *Rutherford v. Steward of Traquair* (1556), cited by Riddell, *Tracts Legal and Historical*, 168. The point was of importance in the divorce of Albany from Catherine Sinclair in 1516 (*A.P.S.*, ii, 283).   [3] *Statutes of the Scottish Church* (Scott. Hist. Soc.), 267.

[4] *Statutes of the Scottish Church*, ut cit., 268.

[5] *Liber Officialis Sancti Andree*, ut cit., Nos. 21, 56, 109, 123, 143, 154 and 166; MS. *Act Book of the Consistorial Court of Dunblane* (1550-5), in H.M. General Register House, fos. 131 et seq.

referred to the oaths of compurgators.[1] If there were no witnesses to the promise, the matter was referred to the oath of the party denying the promise and, if he cared to perjure himself, he was free of the marriage.[2] In one protocol we catch a glimpse of a rather pathetic woman who, although she has borne children to the man, admits that no promises were exchanged. She added: 'When William wishes to marry me I will be his faithful servant and obey him in all things'. William said that he wished to consult with his friends.[3]

But the church did not succeed in preventing the constitution of marriages *per verba de futuro*. A contemporary English tract enjoins its readers: 'Every man lykewyse must esteme the person to whom he is hand-fasted, none otherwyse than for his owne spouse, though as yet it be not done in the Church nor in the streate—after the handfastynge and makyng of the Contracte ye Churchgoyng and Weddyng should not be deffered to longe, lest the wickedde sowe his ungracious sede in the meane season. . . . Into this dysh hath the Dyvell put his foote and mengled it wythe many wicked uses and custumes. For in some places ther is such a maner, wel worthy to be rebuked, that at the handfastynge ther is made a great feaste and superfluous bancket, and even the same night are the two handfasted personnes brought and layed together, yea certain wekes afore they go to the Church.'[4]

From a legal point of view this was not necessarily a wanton anticipation of the joys of matrimony. In *Measure for Measure* the Duke, urging Mariana to simulate Isabella and accept the embraces of Angelo, says:

> Gentle daughter, fear you not at all,
> He is your husband on a pre-contract;
> To bring you thus together, 'tis no sin.[5]

It is true that the parties did not commit the sin of fornication, since in the ordinary case they became married in the act of intercourse[6]; but they did commit the sin of disobedience to the ordinances of the church. In some cases, indeed, the parties

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[1] *Antiquities of Aberdeen and Banff*, iv, 487; *Protocol Book of Sir John Cristisone* (Scottish Record Society), No. 417.

[2] *Dunblane Act Book*, ut cit., fos. 68v°, 204v°.

[3] *Protocol Book of James Young* (Scottish Record Society), No. 909.

[4] *The Christen State of Matrimony* (1541) pp. 48, 49 (cited, Howard, ut cit., i, 349).

[5] *Measure for Measure*, IV.i.72-74.   [6] Esmein, ut cit., i, 142 ff.

might be committing the sin of fornication, because if the
parties were subject to a canonical impediment, such as consan-
guinity or affinity, the intercourse did not and could not
transform the spousals into a marriage. Squire Meldrum,
however, was not alone in thinking it to be: ' . . . greit
vexatioun, To tarie upon dispensatioun'.[1] In the Kilravock
Papers there is an indenture of 1482 between Lauchlane
Mackintosh and Donald Angus Mackintosh which narrates
that Hugh Rose, Baron of Kilravock, had no proper title to the
castle of Kilravock or the ground on which it stood; therefore
Donald obliged himself to 'tak the castell off Kylrawok, and
syne deliver the castell to the said Lauchlane' and then hold it
for him as Constable 'als lang as yt may be brukyt and joyssit
be ony maner off way, other be the law or by the law'. For the
further security of this contract 'the saide Donalde sall mary
ande spous Margret dauchter to the said Lauchlane McYn-
tossich, the said Lauchlane bryngande the dispensacione owt off
Rome on his expens: And als sone as ye said castell beys tane
be ye saide Donalde, the said Lauchlane sal gar incontinent,
but ony langer delay, handfast Margret his saide dochter,
with the saide Donalde, and ly with him as scho war his
lauchfull wiff; Ande als sone as the dispensacione cumys hame,
the saide Donald is oblist incontinent but ony langer delay, to
mary and spous the saide Margret, and to haude her in honour
and worship at all his power as his weddit wiff, for all the days
of his lyff.[2]' Again, in the *Chiefs of Grant* there is a contract
providing that Donald Ewin Allanson shall be bound to marry
Agnes Grant, the daughter of John the Grant, in face of the
holy kirk, but if the dispensation did not come within fifteen
days after Martinmas next 'the said Johne the Grant is bundin
and oblist to caus thame be handfast and put togiddir, his said
dochter Agnes Grant and the said Donald, for mariage to be
completit, in the default of the dispensacion nocht cumyng
hame at the said tyme'.[3]

The Kirk Session Records of St. Andrews[4] and Aberdeen[5]
show that after 1560 the Reformed Church, wherever it became
established, set itself strongly against marriages *per verba de*

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[1] Sir David Lyndsay, *The Historie of Squyer Meldrum* (Early English Text
Society), ll. 981-2.
[2] *The Family of Rose of Kilravock* (Spalding Club), 146.
[3] Fraser, *The Chiefs of Grant*, iii, 64.
[4] *St. Andrews Kirk Session Register* (Scot. Hist. Soc.), p. xl.
[5] *Ecclesiastical Records of Aberdeen* (Spalding Club), 11: cf. ibid., 14.

futuro. In 1562 it was ordained by the Aberdeen Kirk Session:
'Item, Becaus syndrie and many within this toun ar handfast,
as thai call it, and maid promeis of mariage a lang space bygane,
sum sevin yeir, sum sex yeir, sum langer, sum schorter, and as
yit vill noch mary and compleit that honorable band, nother for
fear of God nor luff of thair party, bot lyis and continewis in
manifest fornicatioun and huirdom: heirfor, it is statut an
ordanit, that all sic personis as hes promeist mariage faythfully
to compleit the samen betwix this and Festeranis Evin nixt
cummis, under the pane of . . .'[1] They also forbade people who
had exchanged promises of marriage to have intercourse to-
gether. However, despite this, and despite the fact that the
Council of Trent cast away all the old ecclesiastical law on
marriages *per verba de futuro*, the old rules remained part of
the secular law of Scotland until as recently as 1 July 1940.[2]

Did Scotland, then, know a custom of handfasting such as
that described by Skene? Vinogradoff cites four instances of
such marriages in Scotland. The first is the prior union between
the Earl of Angus and the Lady of Traquair which led to the
dissolution of Angus's marriage with Margaret Tudor of
England.[3] The second is the marriage of John, third earl of
Sutherland, which led to Alexander Sutherland's claim to the
earldom in 1509.[4] The third is the MacIntosh contract of
marriage[5] and the fourth a handfast marriage referred to by
Lindsay of Pitscottie.[6] But there is no evidence that any one
of these was a handfast marriage in Skene's sense, although
the word handfasting was used by chroniclers with reference to
each. Not one of these cases suggests that temporary unions
were recognised in medieval Scotland, or anything more than
the fact that the term handfasting was applied indifferently to
sponsalia which did, or did not, ripen into marriage. Skene,
unfortunately, does not cite authorities, although the editor
refers to the Sutherland marriage claim. Other writers on the
subject freely cite each other, but their direct sources may be
reduced to three.

The first source is a history compiled by the Seanachie of

[1] Ibid., 11.
[2] Marriage (Scotland) Act, 1939.
[3] *Calendar of Scottish State Papers*, i (1547-63), pp. 690, 694.
[4] Sir Robert Gordon, *The Genealogical History of the Earldom of Sutherland*
(1813), p. 95; Fraser, *The Sutherland Book*, iii, 41-43.
[5] Cited supra, p. 98.
[6] *The History and Chronicles of Scotland* (Scottish Text Society), i, 64.

the Clan Maclean. He describes a union for a term of years contracted by John, fourth laird of Ardgour, who died in 1547. He also asserts that the children of the union were reputed legitimate. The Rev. A. Maclean Sinclair, in his *History of the Clan MacLean*, has pointed out that, although John of Ardgour did take to himself a lady whom he sent away after two years, the lady was not regarded as his wife nor were the children reputed legitimate. John's estate was escheated to the Crown because he left no lawful heirs and no attempt was made to make the elder of the two children, a man of ability and promise, chief of the clan.[1]

The second source is Martin's *Description of the Western Islands*. Martin describes unions for a year to be followed by repudiation or marriage.[2] It will be noted that Martin, writing in 1695, says that 'this custom was long ago brought into disuse'. What Martin's informants were describing was probably the 'mariageis contractit for certane yearis' forbidden by the Privy Council in the so called 'Statutes of Iona' in 1609.[3] The Statutes refer 'to the grite grouth of all kynd of vice, proceiding pairtlie of the laik of pasturis plantit and pairtlie of the contempt of those quha are alreddy plantit: ffar remeid quhairof they hauf all aggreit . . . that the ministeris als wele plantit as to be plantit within the parrochynis of the saidis Islandis salle be reverentlie obeyit . . . the sabothis solemplie keipit, adultereis, fornicationis, incest, and sic uther vyle sklanderis seveirlie punist, marriageis contractit for certane yeiris simpliciter dischairgit and the committaris theirof haddin, reput and punist as fornicatouris. . . .' These so-called Statutes link up with the MacLean of Ardgour episode and suggest that there was a custom in the Western Highlands and Islands of taking women as concubines, a practice common to all ages and places and having little obvious connection with the ordinary medieval handfasting.

The third source is the custom said to have prevailed at one time in Eskdale, which is described by Pennant in his *Tour in Scotland in 1772* and also, closely following Pennant, in the Old Statistical Account. Pennant says: 'Among the various customs now obsolete the most curious was that of hand-

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[1] A. Maclean Sinclair, *The Clan Gillean* (Charlottestown, 1899), 521.
[2] D. J. MacLeod (ed.) *Martin's Description of the Western Islands of Scotland*, 175.
[3] Register of the Privy Council of Scotland (First Series), ix, 27.

fisting, in use about a century past. In the upper part of Eskdale . . . there was an annual fair where multitudes of each sex repaired. The unmarried looked out for mates, made their engagements by joining hands, or by *handfisting*, went off in pairs, cohabited until the next annual return of the fair, appeared there again and then were at liberty to declare their approbation or dislike of each other. If each party continued constant, the handfisting was renewed for life. . . .'[1] Pennant attributed the custom to the fewness of the clergy there in Popish times but, as Chalmers points out in his *Caledonia*, Pennant 'who was not very studious of facts when he wanted embellishment . . . did not know . . . how many more clergymen existed under the old than under the new establishment'.[2] The writer in the Old Statistical Account pointed out that the place of the fair was not far from the Roman camp of Castle-o'er and suggested that the custom may have had its origin in the Roman marriage *usu*. Unfortunately for this theory, *usus* was obsolete in Roman law by the time the Romans came to Scotland.

Assuming that a practice analogous to that described by Pennant did in fact obtain at one time in Eskdale, and perhaps in other remote districts in Scotland around 1600, what was its origin? Sociologists suggest that the custom harks back to a similar custom existing among our Germanic ancestors on the Continent. E. W. Robertson, for example, says that, 'According to some of the Scandinavian codes, if a woman lived with a man for a year, keeping his keys and managing his household, she was his legal wife without further ceremony'.[3] Since Robertson quotes no authorities, it is difficult to check this statement. Valdemar's law of Jutland, however, provides that if a concubine shared table and bed, lock and key, for three successive winters, she became a legitimate wife with claims upon her husband's property.[4] This is not a very close analogy with the year and day handfastings of Scott and Skene. But, even assuming that such year and day handfastings did exist among our Germanic ancestors, how is the entire absence of evidence of their practice in pre-Reformation Scotland to be

[1] Thomas Pennant, *Tour in Scotland* (London, 1790), ii, 91, 92. A substantially identical account is given in the [*Old*] *Statistical Account of Scotland*, xii, 615.

[2] Chalmers, *Caledonia* (Paisley, 1889), v, 204.

[3] op. cit., 172.

[4] Jyske lov. I, ch. 27, cited by Vinogradoff, op. cit., 244.

reconciled with the proposition that they were the source of the custom described by Pennant?

It is suggested that the custom was simply a debasement of the ordinary handfast marriages of medieval times. It is perhaps significant that the custom described by Pennant was observed to take place in a remote upland district in an area which possibly, like many of the Isles, did not receive a minister until long after the Reformation. The Kirk of Eskdalemuir was apparently not built until 1722. Moreover, the writer in the Old Statistical Account says: 'In later times, when this part of the country belonged to the Abbacy of Melrose, a priest, to whom they gave the name of Book i' Bosum (either because he carried in his bosom a bible, or, perhaps, a register of marriages), came over from time to time to confirm the marriages'. It may be that this refers to the visits of the Dean of Christianity on whom would fall the duty of seeing that unsolemnised marriages were duly solemnised *in facie ecclesie* and of registering the marriages.[1]

To conclude, a remark made by Cosmo Innes may be paraphrased—there is no proof, or approach to proof, that handfasting in Skene's sense or any other peculiar customs of marriage were recognised in medieval Scotland after the introduction of Christianity had given one rule of marriage to the whole Christian world.[2]   A. E. ANTON.[3]

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[1] *Statuta Ecclesiae Scoticanae*, ii, 134, No. 251, and Robertson's note at p. 299.
[2] *Scotland in the Middle Ages*, 178.
[3] Lecturer in Law in the University of Aberdeen.

The Earliest Scottish Charters[1]

THIS article[2] is concerned with the problem of the authenticity and significance of the two earliest Scottish charters, both of which record grants of land made to the church of St. Cuthbert at Durham, the one by king Duncan II and the other by king Edgar. King Duncan II's charter (Lawrie XII) is extant in an 'original' sealed parchment and is the earliest Scottish charter known whether in original or copy, whether royal or private. King Edgar's charter (Lawrie XV) is extant only in copies. There are no Scottish documents other than these two which can be put at a date earlier than the twelfth century.

We shall deal with Edgar's charter first.

I

KING EDGAR'S CHARTER

(a) Lawrie XV	(b) Lawrie XVI	(c) Lawrie XIX
In nomine Patris et Filii et Spiritus Sancti Amen. Notum sit omnibus Christi fidelibus presentibus et futuris quod 5 Ego Edgarus filius Malcolmi Regis Scottorum totam terram de lodeneio et regnum scotie dono domini mei Willelmi Anglorum Regis 10 et paterna hereditate possidens consilio predicti domini mei Regis Willelmi et fidelium meorum pro animabus patris 15 mei et matris mee. necnon et fratrum meorum Dunecani et Edwardi et pro salute corporis mei et anime mee et pro omnibus	*W. rex Anglorum Thome Eburacensi archiepiscopo et omnibus suis fidelibus francis et anglis ei scottis salutem. Siatis me concessisse*	*Eadgarus. rex scottorum. Omnibus suis hominibus Scottis et anglis. salutem.* *Sciatis quod ego do in elemosinam*

(a) Lawrie XV	(b) Lawrie XVI	(c) Lawrie XIX
20 antecessoribus siue		
successoribus meis		
do Deo omnipotenti	deo omnipotenti	deo omnipotenti
et Ecclesie Dunelmensi	et ecclesie Dunelmensi	et sancto Cuthberto
et sancto Cuthberto	et sancto *confessori*	*domino meo.*
25 glorioso pontifici et	Cuthberto et	et ecclesie
Willelmo episcopo et	Willelmo episcopo et	Dunelmensi et
monachis in eadem	monachis in eadem	monachis in eadem
ecclesia deo seruientibus	ecclesia deo seruientibus	ecclesia deo seruientibus
et imperpetuum	et inperpetuum	et inperpetuum
30 seruituris	seruituris *terras in*	seruituris pro animabus
	Lodoneio quas Eadgarus	patris mei et matris mee.
	rex filius Malcolmi	et pro salute corporis
	regis Scottorum *Deo et*	mei et anime mee et
	supradicte ecclesie me	fratrum meorum *et*
	concedente donavit	*sororum mearum.* et
mansionem	mansionem *scilicet*	pro omnibus antecessoribus
de Berwic et cum ista	de Berwic et	et successoribus meis
mansione has subscriptas	has subscriptas	
mansiones scilicet	mansiones.	
35 Greidene. Leinhale	Greidene. Leinhale.	
Clilsterhale. Bricgham	dylsterhale. brycgham	
Ederham. Cirnesid. Hilton.	Ederham. cirneside. hyltun	
Blacedre. Cynebrycham.	blacedre. cynebrihtham.	
Hotun. Ranynton. Paxton.	hotun. reinintun. paxtun.	
40 Fulgeldene. Morderinton.	fugeldene. morðintun.	
Lamberton. aliam Lamber-	lambertun. aliam lamber-	
ton. Hedrynton. Fysewyc.	tun. haedrintun. fiscwic.	
Horford. Vpsetyntun.	horeford. upsetintun.	
et mansionem de Coldyng-	et mansionem de collinga-	mansionem de Goldinga-
45 ham et cum ista mansione	ham. et has	ham et cum ista mansione
has supscriptas mansiones	subscriptas mansiones.	has subscriptas mansiones.
scilicet Aldcambus. Lummes-	aldcambus. lummesdene.	scilicet Aldcambus Lum-
dene. Ristun Suineston.	ristun suinestun. farndun.	mesdene *Regnintun* swine-
Farndun. Eitun. aliam Eitun.	eitun. aliam eitun.	*wde* Farndun Eitun Aliam
50 Prenegest. Crammesmudr'.	prenegest. Crammesmuðe.	Eitun Prenegest. Crames-
H \a/edynton. has super-	haedentun. has superscrip-	muðe. has superscriptas
scriptas mansiones do deo et	tas mansiones cum	mansiones *concedo* deo et
sancto Cuthberto cum	*adiacentibus*	sancto *predicto et monachis*
omnibus terris et siluis	terris et siluis	*eius* cum omnibus terris.
55 et aquis et theloniis	et aquis et omnibus thelo-	siluis. et aquis. et teloneis.
et fracturis nauium et cum	neis et nauium fracturis et	et fracturis nauium. et
omnibus consuetudinibus	*aliis* consuetudinibus *suis*	omnibus consuetudinibus
que pertinent ad predictas	*sicut eas Malcolmus*	que pertinent ad predictas
mansiones et quas pater	*rex unquam melius*	mansiones. et quas pater
60 meus in eis habuit quietas et	habuit deo et	meus habuit quietas et
solidas secundum volun-	sancto Cuthberto	solidas secundum uolun-
tatem dunelmensis episcopi	inperpetuum	tatem *illorum*
inperpetuum libere	*concedo. valete.*	inperpetuum libere
disponendas		disponendas.

The text of (*a*) Lawrie XV, as preserved in Bodleian MS. Laud Misc. 748, fo. 31*r*, concludes:

Signum + Edgari Regis. Signum Alexandri fratris eius. Signum Ligulfi filii Inemanni.
2 Signum Gylnerti filii Dunecani Signum Oulaui filii Oghe. Signum Vtredi fuderne
 Signum Edgari adelingi \ [*from r.h. margin*] Signum Constantini filii Magduf. Signum
4 Rodberti de Hume. S. Agulphi filii Etale. S. Euuoldi filii sui. S. Dauid / Hec carta
 firmata est .iiii. kalend'. Septembris in cimiterio sancti Cuthberti apud Norham
6 presente Willelmo Episcopo et Turgoto priore et Ansketello preposito de Norham
 \ [*interlined above*] et Agero de Cornford./

The text of (*a*) Lawrie XV, as preserved in Durham, Miscellaneous Charters, No. 559, concludes:

Signum+Egari Regis   Signum Alexandri fratris eius

S + Menyaniu'	S filii Doncani	S + filii Eghe	S + Edgari aederling	S filii magduf
Agulfi	Eyluerti	Omani	Vhtredi	Constantini
S + Rodberti de Humet	S + Aetele	S. Alimoldi filii sui	× David	
	A + gulfi			

Hec carta firmata est IIII° kal' Septembris in Cimiterio sancti Cuthbeti [*sic*] apud Norham presente Willelmo episcopo et Durgoto priore et Ansketillo preposito de Norham et Ilgero de Cornefor et Waltero de Ualonis. et Galfrido de Aldreio. et Willelmo filio Almodi. et Johanne de Amundiuilla. et Rachone Lotharingo et Gilberto et Wilfrido et Alimodo filio Makodi et Anulfo fratre suo et presente maxima multitudine Francorum et Anglorum quorum nomina longum est inscribere hoc autem factum est eo anno quo Rex Willelmus filius magni Regis Willelmi fecit nouum castellum ante Bebbanburgh' super Robertum comitem Northanhymbrorum.

Ista carta est sigillata. cum sigillo rotundo dicti Regis Edgari pendente cum filo serico et est in medio eiusdem sigilli ymago dicti regis. Edgari. sedens cum parua corona in capite et habet in una manu septrum et in altera gladium et habet subscripcionem Ymago Edgari Scotorum Regis.

(*a*) *Lawrie XV*

King Edgar's charter was printed by Raine[1] from an early fifteenth-century copy on paper at Durham (Miscellaneous Charter 559). Raine noted[2] that another copy existed in the Registrum Primum there (fo. 90*r*) and Lawrie and Davis thought incorrectly that the Registrum text was that printed in the *Monasticon Anglicanum*.[3] The Registrum text is, however, only a copy of Miscellaneous Charter 559, which is itself a careless transcript, probably of the original. The Registrum and Misc. Ch. 559 texts are alone in their completeness and in describing the seal.

The text in the 1655 edition of the *Monasticon Anglicanum*[4] was printed from Oxford Bodleian MS. Dugdale 21 (fos. 102*v*-103*r*), which consists of extracts made by Sir William Dugdale from Oxford Bodleian MS. Laud Miscellaneous, 748, a manuscript of the early fifteenth century containing in author's draft the 'Libellus de exordio et statu ecclesie . . . Dunelmensis'. This Libellus in the Laud MS. (*manuscript A*), falls into two parts; our charter is in the earlier part, where the draft has been revised with marginal additions. The Libellus also occurs in the *Liber Ruber Dunelmensis*, Lincoln's Inn MS. Hale 114, fos. 76*v*-77*r* (*manuscript B*), and in British Museum MS. Cotton Claudius D iv, fo. 55*v* pencil foliation (*manuscript*

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[1] Raine, no. VII.   [2] Raine, p. 379.   [3] Lawrie, p. 248; *Regesta*, i, no. 363.
[4] Dodsworth and Dugdale, *Monasticon Anglicanum*, i (1655), p. 45; i (1846), p. 238.

B

C). These manuscripts have been examined by Sir Edmund Craster, who concluded that *B* was a copy of *A*, and that *C* was a revised edition of *A* posterior to *B*.[1] It is clear, however, that so far as the text of Lawrie XV is concerned, *B* is a copy of *C*. The name-forms indicate this; moreover, *B* gives the last *signum* meaninglessly as 'Signum W Dauid†,' when, turning to *C*, we find that the last five *signa* have been added in the margin, and that, intruded into 'Signum Dauid†', is the small guide letter *W* written for the rubricator who had to provide an initial for the next charter, one of William II.[2] The other variant readings are of little moment.[3]

The inter-relationship of *B* and *C* is not, however, of great importance for us, since both must be derived from *A*, the Laud manuscript. In place-name forms this manuscript is undoubtedly closest to eleventh-century forms, and accordingly we have printed it so far as it goes. Thereafter we have given the last part of Durham Misc. Ch. 559, which is more complete, and which seems to reproduce the distribution of the *signa*. This last part is made up of (i) the *signa*, or crosses with names,

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[1] H. H. E. Craster, 'The Red Book of Durham' in *English Historical Review*, xl (1925), 504–519. All these manuscripts were produced for Prior John de Wessington of Durham, in the early fifteenth century. The lettering *A*, *B* and *C* corresponds with that used by Sir Edmund Craster in his article.

[2] I have worked from photostats of MSS. Laud Misc. 748 and Dugdale 21. The Hale and Cotton Claudius MSS. were very kindly collated for me by Mr G. W. S. Barrow.

[3] *Variant readings of Lawrie XV*

Text:
 5. *BC*: Regis Malcolmi.   7. Misc.: Lodoneio.
12. Misc: Regis. W. Et [Reg. follows Misc. unless otherwise noted.]
17. Misc: Doncani.   20. Misc: et *for* siue.   35. *B*: Leinehall
36. Misc: Dilsterhalle. Brygham *interlined over* Dilchester *deleted*. For the other place-name forms in Misc. see Raine VII. They are close to fifteenth-century forms, e.g. Edrem, Faudon. *BC*: Clilstirhale; *C*: Brycgham.
37. *BC*: Cyrneside.   38. *B*: Chynebritham; *C*: Cynebritham.
39. *BC*: Hotoun; *B*: Rayninton.
40. Morderinton is no doubt a mistaken expansion of Morðintun.
42. *B*: Hedrinton Fisshewic; *C*: Fysewic.
43. *B*: Vppesetynton; *C*: Vppesetyntun.   44. *B*: Coldingham.
46. *BC* Misc: subscriptas.   49. *B*: Farndone.
50. *C*: Crammesmidr, the *i* undotted. The final *r* is perhaps a mistaken expansion of a final ð.
51. *BC*: Hedynton; Misc: subscriptas, but Reg. has correctly superscriptas.
60. Misc omits et.
Signa and Witnesses:
 1. *BC*: Memamii or Memanni.   3. *C* adds same signa in margin.
 4. *B*: Roberti de Hume . . . Alculphi filii Ethale; *C*: Aculphi filii Ethale.
 5. *B*: S W David +.

of certain witnesses, (ii) a *notitia* which states the day, month, and place of the gift, those present, and the year of the grant, namely that 'in which king William . . . made a new castle at Bamburgh against Robert earl of the Northumbrians', and (iii) a description of the seal, presumably written by the copyist. From (ii) the date can be fixed at 29 August 1095.

(b) *Lawrie XVI*

A confirmation by king William II of England of the gifts of king Edgar contained in Lawrie XV, though not explicitly mentioning that charter. This confirmation is in writ form, and is preserved at Durham in two sealed originals, Miscellaneous Charters 973, 558. These are reproduced in a recently published collection of *Facsimiles of English Royal Writs to A.D.* 1100[1] (reviewed below, p. 170) as numbers 9 (plate VIIIa) and 10 (plate IX); the two differ only in their handwriting, and in the final words, where *Valete* of no. 9, is replaced by *T. Willelmo cancellario et Roberto filio Haimonis* in no. 10. No. 10 is datable from these witnesses 1094 ×, and both are datable × 1 January 1096 (death of bishop William of Durham). The editors of *Facsimiles* rightly suggest that the autumn of 1095, when the king was in the north and built his castle at Bamburgh, is the most probable date for both writs, that is they are contemporary with Lawrie XV if it is genuine. The editors also show that no. 10 is in the same hand as a writ of William I to Westminster abbey, and 'it is justifiable to conclude that the scribe was a chancery scribe'. No. 9 is written in the same hand as (i) the charter of Duncan II (Lawrie XII), (ii) a Bede manuscript, (iii) an Augustine manuscript. All these are at Durham.[2] The third has some verses showing that the scribe was called William, and that he wrote at the command of bishop William of St. Carileph after 1089, and presumably before the death of bishop William on 1 January 1096. It is reasonable to assume that he was a monk-chaplain of the Benedictine convent of Durham. The authenticity of these two writs is now beyond question, and consequently, for Lawrie XVI, we must reject his editorial note, 'Spurious?'. In the text printed above words not found in Lawrie XV are italicised.

(c) *Lawrie XIX*

A writ of king Edgar extant in the original at Durham, and

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[1] Ed. T. A. M. Bishop and P. Chaplais (1957).
[2] Where I have been permitted to examine them.

of date 1097 (?1100) × 1107. The seal is now missing but a fragment was extant in 1793. There is no reason to doubt the authenticity of this document. In the text printed above words not found in Lawrie XV are italicised.

From a comparison of these three texts it emerges that Lawrie XVI and XIX are independently related to Lawrie XV. The difference in form between Lawrie XV and XVI is great, for while king Edgar seems to have used the Anglo-Norman diploma with autograph crosses, king William used the traditional English writ form. Both however made their gift to the bishop and monks, while in the list of manors conveyed there is an obvious connection between the two texts. Lawrie XIX is also related to Lawrie XV but not to Lawrie XVI. The writ form had been adopted by the Scottish king by *c.* 1100 × 1107, but Edgar still referred to the souls of his relatives in words clearly related to the terms used in 1095; the souls of his dead brothers Edward and Duncan were replaced by his living brothers and sisters. In the list of manors conveyed all three texts use *mansiones* instead of the much more usual *maneria* or *terras*, but Lawrie XV and XIX have the phrase 'mansionem de [Coldingham] et *cum ista mansione* has subscriptas mansiones' whereas Lawrie XVI omits the italicised words and hence fails to express the grouping of manors around Berwick and Coldingham (making up two Northumbrian shires) which is expressed in Lawrie XV and (for Coldingham) XIX. The freedom to subinfeudate found in Lawrie XV and XIX is not in XVI; the verbal similarities of these clauses in the two former is striking and cannot be explained other than by some textual relationship between the documents.

There are two possible explanations of these facts: either the scribes of Lawrie XVI and XIX independently of each other knew and used Lawrie XV, or the scribe of Lawrie XV knew and used the other two documents. The former explanation means that Lawrie XV is genuine, the latter that it is a later conflation and justly rejected by many scholars as 'spurious'.

Let us examine other factors weighing against and for the genuineness of Lawrie XV. It has been rejected as spurious by James Anderson, W. F. Skene, Haddan, Lawrie, and Davis,[1]

[1] J. Anderson, *An Historical Essay* (1705), passim; W. F. Skene, *Celtic Scotland*, i (1876), 444; Haddan and Stubbs, *Councils and Ecclesiastical Documents* II, i (1873), 165; Lawrie, pp. 246-9; *Regesta*, i, no. 363.

but was acceptable to Raine and Freeman.[1] Into the argument, for and against, an irrelevancy has sometimes been introduced in the form of a charter bearing the reverse of the second seal of Robert III (1390-1406), written in a fifteenth-century hand, and in unmistakably fifteenth-century phraseology, purporting to give the same lands to the same donee.[2] The donor purports to be king Edgar making his gift 'by the licence of king William of England superior lord of the kingdom of Scotland'. This document would scarcely be worth mentioning were it not that it has been put on a level[3] with Lawrie XV from which it derives what little verisimilitude it has. Lawrie XV is a document worth much more serious consideration than this.

A second argument which is now wholly irrelevant is that implicit in most earlier commentaries, namely that Lawrie XV and XVI are both spurious. Sir Archibald Lawrie and others who held this view did see that the two charters were related and that to some extent they had to stand or fall together. As both belong to 1095 and name Edgar king, they were rejected on chronological grounds, for Edgar did not win the kingdom until 1097. But, as we have pointed out, the editors of *Facsimiles* have clearly demonstrated the authenticity of Lawrie XVI—king William's writs of confirmation. The fact that Edgar is there styled king must be explained in terms other than the supposed spuriousness of these writs, for they are not spurious. And any explanation must take account of the style of Edgar in Lawrie XV if all other grounds of objection to Lawrie XV can be removed. We shall deal with this problem in Part III below.

The date at which the 'original' of Lawrie XV disappeared is not known,[4] but there is plentiful evidence that if it were forged the forgery was a very early one. The name forms *Agulfus* (Aiulf) and *Rodbertus* cannot well be later than the twelfth century; the same is true of the abbreviation $\overline{spc}$ (for *spiritus*) and of the general form of the document. Prior Wessington

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[1] Raine, pp. 377-80; Freeman's views are quoted by Lawrie, p. 247, but I have not been able to trace them.

[2] Lawrie XVII, Raine VIII (Durham, Misc. Ch. 560).

[3] e.g. by Haddan in Haddan and Stubbs, *Councils*, II, i, 166.

[4] Durham Misc. Ch. 559 is endorsed with a description of the contents and the words *iuet cum cartis Edgari*. This seems to refer to the text from which it was copied since Misc. Ch. 559 does not have a press mark. It does reproduce the distribution of the *signa* and has a description of the seal. Accordingly it seems likely that the original charter was at Durham until the early sixteenth century when bishop Cuthbert Tunstall may have removed it (Raine, p. 380).

who drew up the *Registrum Primum* and the manuscripts connected with the *Liber Ruber* was responsible for other discoveries of early documents long neglected.[1] This one was known and used in the Great Cause of 1291-2,[2] and it is included in a rotulet inventory of Scottish charters drawn up at Durham between 1259 and 1271[3] and in a list of early donations to the see drawn up between 1143 and 1152.[4]

A noteworthy feature of Lawrie XV, as of other charters of king Edgar, is the grant of freedom of disposition.[5] This is found in four of the five other charters of king Edgar, including Lawrie XIX, where the words echo those of Lawrie XV. There are however important differences—that the lands given in Lawrie XIX amount to Coldinghamshire, but do not include Berwickshire; that the donee in XIX is the church and its monks; and that freedom to dispone is granted to the monks. In Lawrie XV the lands include both Coldinghamshire and Berwickshire; the donee is the church, bishop William, and the monks; and freedom to dispone is granted to the bishop. It is possible that the 'usurper' Donaldbane did not control Lothian south of Lammermuir and that Edgar's grant (Lawrie XV) was effective. Further it should be noted that since at least 1083 the endowment of the convent had been separate from that of the bishop. After the death of bishop William in 1096, and the accession of Ranulf Flambard in 1099, the persistent troubles of the convent in vindicating its earlier endowments put an abrupt end to gifts jointly to bishop and convent.[6]

[1] I owe this information to the kindness of Mr Barrie Dobson. The *Registrum Primum* was compiled *c.* 1400 × *c.* 1415.

[2] 'In carta regis Edgari filii Malcolmi Regis Scottorum facta ecclesiae Dunelmensi continetur quod idem Rex Edgarus recognoscit se possidere totam terram de Lodoneyo et regnum Scotiae de dono domini sui Willelmi Regis Anglorum.' *Foedera*, I, ii (1816), 771. In 1286 the archbishop of York seems to have confirmed Lawrie XV, and a copy of his charter was in the English royal archives in the time of Edward II: 'Littera . . . [*sic*] archiepiscopi Ebor' de inspeximus qualiter Edgarus Rex Scocie concessit quedam manerii regni sui sancto Cuthberto et ecclesie Dunolmensi. Dat' inspeccionis eiusdem littere etc. anno Domini millesimo cc^mo lxxxvi^to' (F. Palgrave, *Antient Kalendars and Inventories*, i (Record commission, 1836), p. 129 no. 14). I owe these references to the kindness of Professor E. L. G. Stones.

[3] Durham, Misc. Ch. 2646, m. 1. 'Carta eiusdem [Edgari] de Berwic et aliis terris in lodoneio.' The date is fixed by a reference, elsewhere in the rotulet, to bishop Gamelin of St. Andrews.

[4] This list is discussed below, pp. 113-4.

[5] Lawrie, nos. XIX-XXIII; Raine, nos. II, IV-VI. Lawrie XVIII (Raine no. III) is the exception.

[6] D. Knowles, *Monastic Order in England* (1948), 625-6; F. Barlow, *Durham Jurisdictional Peculiars* (1950), 1-8. Professor Barlow accepts the

The chronicler Fordun preserves an important fragment of
evidence in his account of these years, a fragment which al-
though written much later must depend on early materials.[1]
Fordun is well informed about two landholders in Lothian,
Godwin, and his son Robert, and may even preserve a few
words of a lost charter by king Edgar to Godwin.[2] He tells
us that when king Edgar was at the court of Rufus, bishop
Ranulf attacked Robert son of Godwin. The king, on his return
to Scotland, heard of this and punished the bishop by depriving
him of Berwick. These events must be dated 1099 × 1100;
and Robert son of Godwin is no fourteenth-century fable, for
William of Malmesbury tells of his accompanying Edgar
Atheling on crusade and of his death in the Holy Land in 1102.[3]
Fordun's account would seem to be derived from a twelfth-
century source and to be free from the suspicion which attaches
to passages where the writer had ulterior motives and bias.
The episode agrees with the documentary evidence of Lawrie
XV and XVI that king Edgar did give Berwick and Coldingham
to the church of Durham about 1095, and of Lawrie XIX and all
later Durham charters, that at some date after 1097 the same
king conferred Coldingham only upon the monks of Durham
only. The careful distinction between the wording *Deo et sancto
Cuthberto* (Lawrie XV) and *Deo et sancto predicto et monachis
eius* (Lawrie XIX) and between the wording of the final clauses
giving freedom of disposition, can best be explained as an
amendment made when Lawrie XIX was drafted on the basis
of Lawrie XV. The bishop seems to have taken advantage of
the freedom of disposition given to him by king Edgar in
Lawrie XV, and to have bestowed Coldingham upon his monks.[4]
It is very unlikely that this was done by bishop Ranulf, and the

Scottish charters under discussion but also accepts the untenable view that
Coldingham priory had been erected × 1107 (ibid., 118-9). But these writers
antedate the forged Durham charters of bishop William and king William I as
G. V. Scammell has shown in his book *Hugh du Puiset* (1956), 301-7. See also
H. H. E. Craster, 'A contemporary record of the pontificate of Ranulf Flambard',
in *Archaeologia Aeliana*, Fourth Series, vii (1930), 33-56; R. W. Southern,
'Ranulf Flambard and Anglo-Norman Administration', in *Transactions of the
Royal Historical Society*, Fourth Series, xvi (1933), 125-8; Scammell, op. cit.,
128 ff.

[1] *Fordun's Chronicle*, ed. W. F. Skene, i (1871), 225; ii (1872), 215-6.

[2] *Fordun's Chronicle*, i, 222, 'terras et possessiones hereditario iure [rex ei
concederet] possidendas'.

[3] William of Malmesbury, *Gesta Regum* (Rolls Series 90), ed. W. Stubbs,
ii (1889), 310, 449; Ritchie, 97, *n.* 4.

[4] Lawrie XVIII, discussed in the following paragraph.

transaction should be placed in the last months of bishop William's life, August–December 1095.

The course of events after 1096 can now be reconstructed only tentatively. In 1099, when Ranulf became bishop, Berwick must have been given to him, for he lost it by 1100. In addition to Lawrie XIX, granting to the monks Coldingham and other vills amounting to Coldinghamshire, the monks of Durham received a grant by king Edgar of Coldingham and other lands in Lothian to be held as freely as the king had held them in his own hands (Lawrie XVIII). This latter we suggest confirmed Coldingham to Durham priory about 1097-9, just as Berwick was restored to the bishop in 1099. It would be replaced by the more specific terms of Lawrie XIX after the appointment of bishop Ranulf in 1099 and the opening of the long contest between him and the convent.[1] Both Lawrie XVIII and XIX assured the title of the convent to Coldingham and freed the monks from the uncertain tenure *ad voluntatem episcopi* which is all they can have enjoyed under Lawrie XV. The terms of Lawrie XV are in favour of the bishop and convent; forgery by the convent of a title in these terms in the twelfth century would have vitiated the very claims which it was designed to bolster. Such terms can belong only to the years from which the charter purports to come; they would be entirely out of place after 1096.

There remains the possibility that Lawrie XV was forged in the earlier twelfth century for, and in the interests of, the bishop of Durham. In Lawrie XVI (and Lawrie XVIII, the charter of Edgar mentioned above) St. Cuthbert is *confessori*, in Lawrie

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[1] In substance Lawrie XVIII differs from XIX only in not specifying the manors attached to Coldingham. Lawrie XVIII does, however, emphasise more than XIX the liberties and customs granted, and it has a clause of inhibition which reads, 'Et uolo et precipio omnibus meis hominibus ut nullus illorum eis *amodo* aliquam molestiam uel iniuriam inde faciat . . . [etc.]' (Durham, Small Cartulary, fo. 124*v*). Modern printed texts omit the important italicised word. The convent seems to have had difficulty in maintaining its rights in Coldinghamshire and to have received first of all Lawrie XVIII and then XIX. If the latter had been received first, there would have been no need of the former. If king Edgar had given Coldinghamshire to the monks by an earlier charter, there would have been no need of either. The convent therefore first received Coldingham from the bishop.

The most accurate printed text of XVIII is that of Anderson, *Historical Essay*, appendix no. II, 2. Anderson claims to have taken his text from the original and Robertson (*Index of Records of Charters*, p. 152*n*.) claims to have seen this original in 1793. If these statements are to be relied upon, the charter disappeared between 1793 and 1852, the date of Raine's *North Durham*. Lawrie (p. 250) states incorrectly that there is a facsimile in Anderson's *Diplomata*.

XV *glorioso pontifici* and in Lawrie XIX *domino meo*. This emphasises the fact that the chief beneficiary of Lawrie XV was the successor to Cuthbert, the *bishop* of Durham, who enjoyed the disposal of the lands given, but it is significant that Lawrie XVI which is otherwise closely related to XV should use a different term. The whole clause naming the donee—to God, the church of Durham, St. Cuthbert, bishop William, and the monks—seems to weigh against episcopal forgery. It is not likely that the bishop, seeking to vindicate his rights with the Scottish king and against his convent, would include the monks as beneficiaries.

The bishop of Durham did, however, lay claim to Berwick. On 22 April 1294, Edward I wrote to king John ' . . . Querelam . . . Dunelmensis episcopi recepimus continentem quod cum ipse villas de Berewyk et de Haddington cum pertinenciis ut ius ecclesie sue Dunelmensis a vobis petivisset . . .' and cited king John before him for failure to give justice.[1] Bishop Antony Bek does not seem to have pressed this claim, which has left no other known record, perhaps because he acquired piecemeal between December 1293 and July 1295 the Scottish king's liberties of Penrith and Tynedale. The bishop may have put forward the claim only to bring pressure on the Scottish king to make the latter grants, which had been promised by John Balliol as 'heir to the kingdom of Scotland' as early as November 1290.[2] There are, moreover, cogent reasons why Lawrie XV could not have been forged on or for this occasion: its existence is well attested at a much earlier date, as we have shown; and in 1294 it was so badly misunderstood that Haedynton (Lawrie XV) or Haedentun (Lawrie XVI) was interpreted as Haddington instead of Edington in Berwickshire.

James Raine first printed the following extract from a Durham manuscript written between 1143 and 1152: 'rege Willelmo concedente Aedgarus . . . donavit et reddidit sancto Cuthberto et Willelmo episcopo in Lodoneio Berwic cum omnibus suis appendiciis. Et monachis in ecclesia Dunelmi . . . Coldingham cum suis omnibus appendiciis, sicut in carta continetur quam ipse et fratres sui propria manu signaverunt

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[1] *Rotuli Scotiae*, i (1814), 20b.

[2] C. M. Fraser, *A History of Antony Bek* (1957), 89-91. It seems unlikely that this claim by the bishop of Durham was advanced with any more serious purpose than the threat of embroiling king John with Edward I—i.e. blackmail. There was no hope of success when it could be shown that the bishop of Durham had not been seized in Berwick for at least a century and a half.

et firmaverunt.'[1] Lawrie held that this did not refer to XV because it spoke of two gifts, Berwick to the bishop, Colding-ham to the convent.[2] He failed to see that only one charter (*carta*) is mentioned and that it bore autograph *signa*; to that extent the list does describe XV. We do in fact know with certainty the terms of Edgar's gift from Rufus's confirmation (Lawrie XVI) and those terms are the ones found in king Edgar's charter of 1095 (Lawrie XV), *not* those in the above extract. The extract seems therefore to be an erroneous description of Lawrie XV, written in the light of later events; it represents what a forgery might well have said and is at the same time evidence of the existence of Lawrie XV before the day of the Durham forger began.

We have suggested that bishop William must have given Coldingham to his monks in the last four months of his life. If, as is likely, this intention was known when the gift of Coldingham and Berwick was made by Edgar, the transfer may have taken place between the date of Edgar's charter (Lawrie XV) and that of Rufus's writs (Lawrie XVI). This hypothesis would explain the differing descriptions of St. Cuthbert and the omission from Lawrie XVI of the words 'ad voluntatem . . . episcopi . . . disponendas'. It agrees too with the answer to another objection, namely that, 'since the patrimony of the monks was separated from that of the bishop . . . before 1086, a grant of 1095 would not be made to the bishop and monks jointly, as in Edgar's reputed charter [Lawrie XV] and the reputed confirmation of William II [Lawrie XVI]'.[3] Lawrie XVI, which makes such a joint grant, is undoubtedly genuine, and the objection therefore falls to the ground.[4] A joint grant was possible because so long as bishop

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[1] Raine, pp. 379-80. The reasons for the date are there indicated. (M. R. James, *The Western Manuscripts in . . . Trinity College Cambridge, a Descriptive Catalogue*, iii (1902), no. 1227 says 'Cent. xii, early'.) This is the last sentence of the 'Brevis relatio de S. Cuthberto', drawn up in the first half of the twelfth century and based upon several sources. It is printed in full in *Symeon of Durham*, ed. Hodgson Hynde (Surtees Society 51, 1868), 223-33. The last part, narrating gifts to St. Cuthbert's church, is based on the chronicle in the lost 'Book of the High Altar' of Durham, whose text was much later included in the *Liber Ruber*. The 'Brevis Relatio' summarises this chronicle so far as the gifts of William I to bishop William, but omits the final sentence, namely, the churches said to have been given by bishop William to the convent. Instead it adds the above sentence, where, it is to be noted, *rege Willelmo* refers incorrectly to William I. See H. H. E. Craster, 'The Red Book of Durham', in *English Historical Review*, xl (1925), 519-32.   [2] Lawrie, p. 249.   [3] *Regesta*, i, 363.
[4] Of the two versions of Lawrie XVI, one written at Durham, the other in

and monks were in sympathy the division of the endowments of
St. Cuthbert was a domestic matter concerning only his church.
It was for the bishop to make what assignment he chose to his
monks. No charter seems to have recorded any of bishop
William's donations,[1] because the convent received all its en-
dowments through him, and therefore could vouch him to
warranty should any question of its title arise. This relationship
became unworkable only on the death of bishop William.

The authenticity of Edgar's charter of 1095 (Lawrie XV),
here advanced, has important implications. Accordingly it may
be worth while to summarise the conclusions that have been
reached:

(i) If forged, Lawrie XV was forged on the basis of Lawrie
XVI and XIX, and

(ii) between the years 1095 and c. 1145.

(iii) There are positive reasons why this putative forgery
would not have been made in the interests of the Durham convent,
who instigated at a later date the other Durham forgeries.

(iv) There is no known reason why the charter should have
been forged in the interests of the bishop, and some reason to
think that it would not have been.

The onus of proof lies upon the advocates of forgery, who
would have to answer questions like these: When and for what
purpose was the charter forged? If the point was a title to land,
better ones existed for Coldingham, and with a little care a
better one could have been confected for Berwick. At what
time would a Scottish king look kindly on a claim to Berwick
based on a charter stating that Berwick had been given by
Edgar who had received the *regnum Scotie* from his lord the
English king? If the point was an English claim to lordship
over Scotland, why does the text incorporate the obsolete gift
of Berwick? In either case, why was the diploma form used
rather than the writ form employed by Edgar in his other
charters; why fail to style Edgar 'king' in the protocol;
and why give a date in 1095 when it could easily be shown

chancery, the former was probably the earlier, since it does not have the
witnesses of the latter. Hence we have a Durham scribe recording the confir-
mation of a joint grant, and at the same time slightly amending the wording of
that grant in the confirmation.

[1] The charters of bishop William and the confirmations of them by William
I and II are all later confections. Compare the account given of the process of
endowment at Norwich, in B. Dodwell, 'The Foundation of Norwich Cathedral',
in *Transactions of the Royal Historical Society*, Fifth Series, vii, 1-18.

that Edgar was not in possession of the kingdom till 1097?

There are no grounds for rejecting Lawrie XV as an episcopal forgery. There are no circumstances which fit Lawrie XV so well as those of the year in which it purports to have been granted—1095. The most detailed examination produces no evidence that Lawrie XV is not the text of a genuine charter by king Edgar. It must therefore stand as genuine.

The seal has been rejected as spurious because according to the description it bore the king in majesty with sceptre and sword, and the legend *Ymago Edgari Scotorum Regis*. Edgar's known seal bears the words *Ymago Edgari Scottorum Basilei*[1]— the last word echoes the seal of the Confessor, which however the seal does not otherwise resemble.[2] Raine argued that Edgar must have changed his seal between 1095 and 1097, but this explanation is surely too complex. The description, especially in its recording of the unusual word *Ymago*, entitles us to say that the 1095 seal was a genuine seal of Edgar whose possibly crumbling edges were misread in one word: *basileus* is not to be found or expected on seals after the eleventh century. What is doubtful is the manner of sealing, *cum filo serico*—on strings. This method was very unusual at the time, but an English parallel from the recently published *Facsimiles* is illuminating.[3] It is a hybrid of writ and diploma: like Edgar's charter its date is 1095 × 7 and, as Edgar's charter presumably did, it bears autograph crosses of the king and others, and a seal on strings. When we recollect that the forger with a hot knife could slip a parchment tongue through a genuine seal for re-use, but that strings presented another and surely more difficult problem, our confidence in the sealing of the charter of 1095 may be restored. On the other hand it does seem unlikely that Edgar would depict himself as *basileus* crowned in majesty at a date before he regained the kingdom and was enthroned at Scone. It is possible therefore that on his way south to king William's court in 1099, king Edgar restored Berwick to the

[1] Stevenson and Wood, *Scottish Heraldic Seals*, i (1940), p. 2; *Archaeologia Aeliana*, Third series, xiii, 149, no. 3074. I cannot agree with the former work that king Edgar had two very similar seals.

[2] F. E. Harmer, *Anglo-Saxon Writs* (1952), plates and pp. 94–104. Edgar's seal is not obviously derived from any of the contemporary or recent seals of English or Continental monarchs. It is about 2¼ inches in diameter, single faced, with the king seated on a X-type throne.

[3] *Facsimiles of English Royal Writs*, plates xix–xx, no. 21. Doubts have been expressed about the manner of sealing by several earlier commentators on king Edgar's charter.

bishop of Durham and that he added his seal to the charter he had given four years previously.

In its general form and particular formulae this document belongs to the class of Anglo-Norman diplomas with autograph crosses which appeared in England after 1066 and died out about 1135. The long *notitia* of date and witnesses following on the signa is unusual but not unparalleled; certainly it is in no way suspicious.

There is no Domesday survey for the northern counties and we shall not easily find the men named as subscribers or witnesses. King Edgar, Alexander his brother, and Edgar Atheling present no problem. Constantine son of Macduff may well be the later earl of Fife, and David the later king. Gylnertus may have been an otherwise unrecorded son of Duncan II, who certainly had other children in addition to the well-known William fitz Duncan. The name Etale or Aetele may be amended to Arcele. Arkill son of Aluold is found as a witness in 1131[1]; it is possible that we have here Aluold[2] and his father Arkill.

Recent investigation of the family of du Hommet by Miss Major led her to the conclusion that Richard du Hommet who appears in Anjou *c*. 1143, became constable of Normandy and died *c*. 1180, was the son of Robert *nepos episcopi* who held part of the later du Hommet fee in Lincolnshire *c*. 1115-8. The suggested connection of Robert with either bishop Odo of Bayeux or bishop Robert Bloett of Lincoln is found to be rather unsatisfactory, but it is concluded that Richard son of Robert *nepos episcopi* received le Hommet (and therewith the family surname) by grant from the duke of Normandy *c*. 1140.[3] These conclusions would be a serious objection to the authenticity of Lawrie XV. Robert *nepos episcopi* is, however, found as a witness to charters of bishop Ranulf of Durham, and as brother to Osbert *nepos* of that bishop and sheriff of Durham. Among other witnesses to the same charters are Peter de Humet, John de Amundeville and 'Loheringus', of whom the two latter may be identified with the John de Amundeville and Racho Lotharingus of Lawrie XV.[4] The family du Hommet and Robert

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[1] *Feodarium Prioratus Dunelmensis*, ed. W. Greenwell (Surtees Society, 58, 1872), 57n.

[2] Reading *Aluuoldi* for *Alimoldi filii sui*.

[3] *Registrum Antiquissimum of Lincoln*, vi, ed. Kathleen Major (Lincoln Record Society, 41, 1950), 181-6.

[4] R. Surtees, *History and Antiquities of the County Palatine of Durham*, i, part i,

nepos episcopi can both be traced to Durham in the time of bishop Ranulf, a fact which goes some way to explaining their relationship[1]; it also removes objection to Lawrie XV on the grounds of the occurrence of the name Robert de Humet.

The objections of Lawrie to other witnesses have in part been answered by Davis and we shall not traverse the same ground.[2] Bishop William and prior Turgot present no problem: Norham certainly existed before the building of the castle in 1121 and it is quite likely that the reeve (*prepositus*) of the bishop's vill there in 1095 would be related to the Ansketill who was castellan for the bishop in 1138. Cornford is Cornforth, Co. Durham. Other names have probably been miscopied and cannot now be reconstructed. But in spite of the absence of a Domesday survey we have been able to trace a respectable number of signatories and witnesses who far from casting suspicion on Lawrie XV become 'lawful witnesses' to its authenticity.
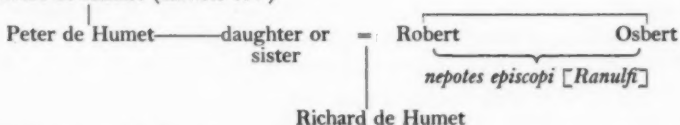
II

KING DUNCAN'S CHARTER

The 'earliest Scottish charter' is an original parchment with seal on a detached tongue purporting to be issued by king Duncan II and preserved at Durham.[3] The editors of *Facsimiles of English Royal Writs* have recently shown that it is written in a hand found elsewhere at Durham, and it could therefore be dated on these grounds alone to *c.* 1080—*c.* 1110.

(1816), cxxv; ii (1820), 210. *Feodarium Prioratus Dunelmensis* (Surtees Society, 58, 1871), 145; for Loheringus, see also 56n, 192n. For John de Amundeville, see C. T. Clay, 'Notes on the Family of *Amundeville*', in *Archaeologia Aeliana*, Fourth Series, xxiv (1946), 61.

[1] The following genealogy is tentative:

Robert de Humet (Lawrie XV)
|
Peter de Humet————daughter or   =   Robert   Osbert
                   sister |
                                     nepotes episcopi [Ranulfi]
                                     |
                          Richard de Humet

[2] Lawrie, pp. 248-9; *Regesta*, i, no. 363.
[3] Durham, Dean and Chapter, Miscellaneous Charter 554. Lawrie XII; Dickinson, Donaldson and Milne, *Source Book of Scottish History*, i (1952), 31-32. Both have 'normalised' texts. Raine no. I; Haddan and Stubbs, *Councils*, II, i, 165; *National Manuscripts of Scotland*, i (1867), no. II; P. Hume Brown, *History of Scotland*, i (1911, Library edition), plate XIV; W. Angus, 'Two early East Lothian Charters', in *Transactions of the East Lothian Antiquarian and Field Naturalists' Society*, i (1924-9), 5-9.

Ego Dunecanus filius regis Malcolumb constans hereditariȩ rex
Scotiȩ: dedi in elemosinam Sancto Cuthberto et suis seruitoribus
Tiningeham. Aldeham. Scuchale. Cnolle. Hatheruuich. et de
Broccesmuthe omne seruitium quod inde habuit Fodanus episcopus.
et hȩc dedi in tali quitantia cum saca et soca. qualem unquam
meliorem habuit sanctus Cuthbertus. ab illis de quibus tenet suas
elemosinas. Et hoc dedi pro me ipso. et pro anima patris mei. et
pro fratribus meis. et pro uxore mea. et pro infantibus meis. Et
quoniam uolui quod istud donum stabile esset. sancto Cuthberto:
feci quod fratres mei concesserunt. Qui autem istud uoluerit
destruere. uel ministris sancti cuthberti aliquid inde auferre:
maledictionem Dei. et sancti Cuthberti. et meam: habeat. amen.

<div style="text-align:center">

Crux dun†ecani regis   scribtoris

gr†entonis

</div>

ace†ard	ul†f	eadgari
	malcolumb	†
her†mer	aelf†ric †	vui†get
hem†ming	teo†dbold	
		ea†rnulf

Scholars have been far more willing to accept this charter as
genuine than that of king Edgar, perhaps because it does not
contain words of subjection to the English king. The charter
grants to the church of St. Cuthbert lands in Lothian which were
not held at any later date by Durham priory, so that the gift
must have been abortive. The date must lie between 13
November 1093 and 12 November 1094, the dates of the deaths
of Malcolm III and Duncan II. This allows that the charter
could have been written during the first 'usurpation' of Donald-
bane (November 1093—May 1094). Lawrie had grave doubts
about the document, but he shows that Lord Hailes, Cosmo
Innes, Skene, Raine, and Dunbar were ready to accept it, while
Chalmers, of *Caledonia* fame, alone seems to have rejected it
outright.[1]

[1] Lawrie, pp. 240-2. G. Chalmers has scattered his observations on this
charter through his *Caledonia*, but does not mention it in his notice of king
Duncan II. 'Of Duncan it is remarked by an able diplomatist that he was the
first of the Scottish kings who appended a seal to the crosses of witnesses.
Diction. Diplomatique, ii, 283. There is some reason to believe that this un-
common seal was affixed to the charter of Duncan long after it had been signed
by its witnesses. There are a thousand objections to this charter of Duncan
which stands alone in the Diplomacy of Scotland' (*Caledonia*, ii (1887), 754*n*.).
See also his criticisms of William Robertson, ibid., iv (1889), 544*n*. Chalmers
certainly shows that Durham cathedral did not hold the lands given, but otherwise
his criticisms are of the 'there are a thousand objections' kind (ibid., iv, 544-7).
    The charter has also been rejected outright by Dr J. Conway Davies: 'the
alleged grant by Macbeth's Duncan [*sic!*] is a palpable forgery' ('The Muni-

The content is in favour of the document. Duncan styles himself 'heridetarily undoubted king of Scotland', for his right derived from his father, while Donaldbane held the throne as collateral. There is no mention of the soul of Duncan's mother, whose marriage to Malcolm III may already have been regarded as of doubtful validity. The statement 'feci quod fratres mei concesserunt' can be paralleled in a Norman charter of Duke Robert II who, though he had children, yet called upon his younger brother for 'affirmation' of his grant.[1] Presumably this was done because while a king or duke might bind his descendants, he could not bind the descendants of collaterals unless the latter too expressed consent. While it is true that the convent of Durham is not known to have enjoyed the lands granted, most of which belonged to the vacant see of St. Andrews, king Duncan is named among beneficiaries in the *Liber Vitae* of Durham and he must therefore be presumed to have made some grant to the convent.[2] There is no reason to doubt that this grant was the one under discussion, and that it was lost to Durham after his death. The places named would fall within the territory said to have been held by the monastery of Tyningham, which St. Cuthbert knew well.[3] Two of them, Aldham and Tyningham, belonged in the ninth century, as did Coldingham, to the church of St. Cuthbert at Lindisfarne[4] whose clergy ultimately settled at Durham. A forged title to these lands would seem to be pointless, especially as it must have been forged c. 1100.

ments of the Dean and Chapter of Durham', in *Durham University Journal*, New Ser. xiii (1951-2), 86).

A more cautious view is taken by Sir Edmund Craster: the 'charter is of doubtful authenticity' ('The Patrimony of St. Cuthbert', in *English Historical Review*, lxix (1954), 179).

[1] *Archaeological Journal*, iii (1846), 26. Of the subscribers to the charter, Eadgar is usually assumed to have been the later king Edgar, and Malcolumb another son of Malcolm III and Ingibiorg. But of this there is no evidence, and indeed this is the only evidence that Malcolm III did have a son called Malcolm. Vuiget is quite probably Uviet the White who held Duddingston early in the reign of David I, and witnesses a charter of king Edgar (Lawrie XX). On him see a forthcoming paper by Mr G. W. S. Barrow, in the *Book of the Old Edinburgh Club*, xxx. Aelfric may be the *Aelfric pincerna* who witnesses Lawrie XX along with Uviet. King Harold II had a son named Ulf who was alive in 1087, but the name was a very common one.

[2] *Liber Vitae Ecclesiae Dunelmensis* (Surtees Society 136, 1923), fo. 12v, the first folio.

[3] *Symeon of Durham*, ed. T. Arnold (Rolls Series, 1882-5), i, 119.

[4] *Symeon of Durham*, ii, 101. These matters are very fully and well discussed in the article by Sir Edmund Craster, 'The Patrimony of St. Cuthbert' cited above p. 119, n. 1.

Those who have supported the document have sometimes regarded the seal with suspicion. Yet we suggest that the seal is a vital clue to the true nature of the document. It is single faced, bearing an equestrian figure with lance, pennon and shield, and the legend 'Sigill [*um Dunecani Regis Scott?*] orum', and is attached to a strip of parchment which is now loose but was pinned to the document in modern times. There is evidence that the strip was attached to the document,[1] and an examination of the original shows that the two have been torn apart, for the parts fit perfectly.[2] The tongue was joined at the bottom corner, not on the left as was almost invariably the practice, but on the right.[3] If the tongue is fitted into position in relation to the charter, the seal lies face downwards with the blank seal-reverse on the same side as the text of the document.

An examination of the parchment moreover reveals that the writing is not upon the flesh-side but upon the hair-side, which has a less good surface. The parchment has been ruled in the usual fashion with a dry stylus drawn along the flesh-side so that the writing would follow an indented line, while the hair-side bore ridges. In other words, if the charter is placed on a table text downwards, the blank side uppermost, the seal face is upmost, the flesh-side better writing surface is upmost, the better ruled surface with indentations is upmost, and the seal tongue join is in the bottom left hand corner where it should be. The parchment in this position is ready to be written upon. We must conclude that, perhaps by mistake,[4] the text was written on the wrong surface, but we must also conclude that the parchment was sealed *before* that text was written. The alternative is to suppose that the text was written on the wrong surface, the seal tongue then cut in the wrong direction, and the seal applied facing the wrong way.

To these facts and deductions we must now add the evidence

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[1] W. Robertson, *Index of Records of Charters* (1798), p. 153n, shows that the tongue was still attached in 1793.

[2] See the photograph in *National Manuscripts of Scotland*, i, plate II. The seal tongue is exactly the same length as the width of the charter.

[3] For extraordinary examples, where the tongue protrudes from the left hand vertical margin, see *History of Northumberland*, ed. J. C. Hodgson (1904), vii, 40; *Registrum Antiquissimum of Lincoln*, ed. C. W. Foster (Lincoln Record Society, 27, 1931), i, plate IV. I know of no other charter on which the tongue was cut in the same way as on Lawrie XII.

[4] The hair side may have been chosen deliberately but this does not affect the argument. Rufus's writ in the same hand (*Facsimiles*, no. 9) was written on the hair side.

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from *Facsimiles of English Royal Writs* that the scribe of Duncan II's charter is also to be found at work in one writ of Rufus and two literary manuscripts, and that his name was William. He certainly worked at Durham, and was probably a monk-chaplain. Since he was accustomed to work on literary texts, where both sides of the parchment were used, his choice of the hair side is the understandable one of a man to whom the matter was one of indifference. Accordingly, as the editors remark, the scribe of this parchment cannot have been the *scribtor Grento* whose cross is among the subscriptions along with the *crux Dunecani regis*.

But when a *scriptor* is designated, it seems usually to have been the case that he was the scribe of the charter, and the fact that all the other subscribers, including the king's brother(s), are here designated by their names only, without a word of description, makes it all the more likely that Grento was revealing his own identity as the scribe of the charter.

The excuse for raising these complexities must be that an explanation which takes account of all of them is the more convincing and the more likely to be a true one. It seems to be a reasonable deduction that William the scribe was copying a text which had been written by Grento and, in some measure, was making an exact copy (*copie figurée*). For the crosses on the Durham version are clearly not autograph, a circumstance which would lead us to expect them to be arranged, as on Anglo-Saxon charters, in a column or columns. This indeed may have been the first intention of William the scribe, for his parchment allows for such a column. But, if so, he changed his mind. Instead, he produced crosses which are scattered across the face of the document and so untidily crammed close to the text that one third of the parchment is blank. He seems to be reproducing autograph crosses—presumably from the 'original' where the text and one cross were written by Grento and the other crosses made by their avowed authors.

The recent volume of *Facsimiles* again provides us with an interesting parallel.[1] The last item in it is a seal of William II, attached to the *notitia* of a grant by Walter Giffard to the abbey of Bec which has seventeen *signa* which are not autograph.[2]

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[1] *Facsimiles of English Royal Writs*, plate XXX.
[2] British Museum, Manuscripts Dept., Loan no. 1. A photograph of both documents, or at least a photograph of this unpublished one, would have been an improvement to *Facsimiles of English Royal Writs*.

But there is also another text, likewise bearing the great seal of William II, with seventeen autograph *signa*.[1] In *both* versions the *signa* are 'arranged at random without any order of precedence'. Comparison of these two versions shows that the non-autograph version is a 'tidied-up' copy of the autograph version, the subscriptions being slightly rearranged to place the king first, and the others arranged in three very roughly horizontal lines. We should regard the extant 'original' of Duncan II's charter as one of a pair; it is a closer copy of the autograph version than is the non-autograph *notitia* of Walter Giffard of the autograph one. It is possible that the other text, written by Grento, was not sealed, that this was regarded as a defect, later remedied by the production of a sealed version. But this is a mere hypothesis and would imply that a sealed blank skin was sent to Durham from Scotland; in the late eleventh century this is unlikely, though we know that it was possible later.

At Durham, William the scribe wrote upon a blank sealed parchment which must have been obtained from king Duncan for this very purpose. As with the two texts of Lawrie XVI (one in the hand of William the scribe), there was here no forgery, merely duplication. Duncan II's charter is in every sense authentic.

Despite its brevity, this document is not a writ (*breve*). There is no address, such as a writ must have, and no invocation nor harangue, such as a diploma usually has. There is a statement that the king has given certain lands, followed by a statement of immunity; this is done for the spiritual welfare of named persons, and with the concurrence of the king's brothers; there is an anathema, but no statement of boundaries. Then follow the subscriptions. The Old English diploma, or *boc*, was very elaborate, with extensive invocation and harangue, with description of estate boundaries in the vernacular, and usually with serried ranks of non-autograph subscriptions. Documents of this kind had been going out of fashion in the eleventh century, and were most unusual after 1066.[2]

[1] *New Palaeographical Society*, Series I, plate 45a; H. Foerster, *Urkundenlehre in Abbildungen* (1951), plate XVI.

[2] V. H. Galbraith, 'Literacy of the Medieval English Kings', in *Proceedings of the British Academy*, xxi (1935); F. M. Stenton, *The Latin Charters of the Anglo-Saxon Period* (1955), especially chapter 3. Dr W. Angus placed too much emphasis upon the crosses, and, ignoring the many features of the *boc* which are not to be found in king Duncan's charter, described it as 'the only surviving example of a Scottish charter executed in the Anglo-Saxon style' ('Two early East Lothian Charters', ut cit., p. 5).

On the other hand the affinities of Duncan II's charter with the contemporary Norman charter are unmistakable. The closest parallel known to the writer is the following charter of Duke Robert II, Curthose, granted between 1087 and 1091:

> Ego Robertus comes Normannie pro salute anime mee et parentum meorum do atque concedo Sancte Trinitati et domno Willelmo abbati tercio et monachis in Fiscanno Deo servientibus terram Hugonis Mursardi que est in eodem Fiscanno cum domibus et edificiis que in ea sunt, ita liberam et quietam et sine aliqua consuetudine sicut idem Hugo ipsam terram tenuit ut eam in eternum iure hereditario possideat.[1]

This text is known in a copy which does not preserve subscriptions or witnesses, but we may note that, as in some other Norman charters, the territorial *Normannie*,[2] and not *Normannorum* is used—just as Duncan II used the territorial *Rex Scotie*. The writer knows of no unequivocal example of the style *Rex Anglie* between 1066 and 1100. We have already advanced reasons for thinking that Grento's charter bore autograph crosses, and have suggested that it may have been seal-less. It must finally be pointed out that the name Grento is itself Norman.[3]

Duncan II's charter is not akin to the Anglo-Saxon *boc*; but, after the Conquest, the Normans brought to England their own equivalent of the *boc*—the seal-less diploma with autograph crosses.[4] A number of these have survived, many more in copies[5]; but the form was short lived and had yielded to the ubiquitous writ by about 1135. King Edgar's 1095 charter (Lawrie XV) was probably an example of the Anglo-Norman or Norman diploma; but we cannot be certain that the crosses were autograph or that the seal was appended in 1095, and we cannot say whether the model of this charter came from England or directly from Normandy. In England the diploma of this

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[1] C. H. Haskins, *Norman Institutions* (1925), 290.

[2] Ibid., 73, 274, *n*. 39.

[3] And the mis-spelling *scribtor* is much more likely to have come from a Continental scribe than from an English one.

[4] Cf. V. H. Galbraith, 'Literacy of the Medieval English Kings', ut cit., p. 219—'Autograph crosses on charters . . . are a Norman importation of William the Conqueror and his feudatories who apparently knew no other method of authenticating their documents.' The same writer in an article cited below, p. 130, *n*. 4, said of eleventh-century diplomatic, 'than which there is nothing more obscure' (art. cit., p. 355).

[5] They may easily be picked out in the calendar and appendices of *Regesta*, i, ii. There is a good photograph of one with the Conqueror's autograph cross in Professor Galbraith's paper, 'Literacy of the Medieval English Kings'.
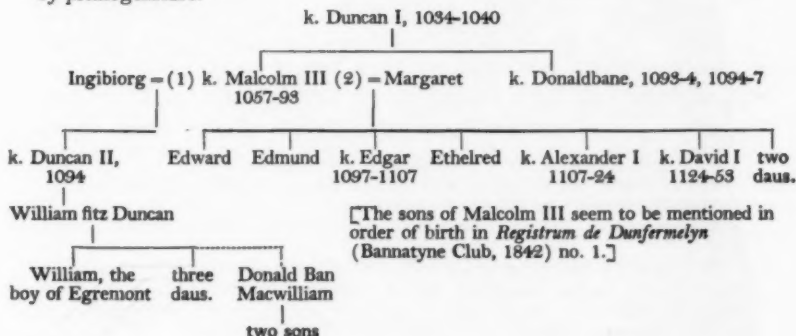
kind competed with the matter-of-fact writ; in consequence it was used to record particularly important donations or confirmations and tended to be long and elaborate. In Normandy, and indeed northern France generally, the diploma form was the only one known; in consequence it might be long and elaborate, as in England, or brief and matter-of-fact, cutting invocation and preamble to a bare minimum. Occasionally these were entirely dispensed with, as in the charter of Robert Curthose already quoted, and, we suggest, as in king Duncan II's charter. For these reasons we derive the form of the latter directly from the Continent, and not through any English intermediary.

III

The Scottish Kings, 1093-1124

On the death of Malcolm III in 1093, the Scots chose his brother Donaldbane as king. Then the son of Malcolm III and his first wife Ingibiorg, Duncan, who had been a hostage in England since 1072, ousted Donaldbane in 1094 with the help of William II of England. King Duncan II was forced by his subjects to dismiss his Anglo-Norman followers, and fell a helpless victim to Donaldbane later in the same year. In 1097 Edgar Atheling with the help of William II placed his nephew Edgar, son of Malcolm III and Margaret, on the Scottish throne after defeating Donaldbane. When Edgar died in 1107, childless and probably unmarried, his brother Alexander I succeeded him, dying in 1124.[1]

[1] Donaldbane was a member of the *stirps regia*, chosen by the Scots and inaugurated. As such he was rightful king. The sons of Malcolm III undoubtedly regarded him as a usurper and presumably urged the rule of succession by primogeniture.

k. Duncan I, 1034-1040

Ingibiorg = (1) k. Malcolm III (2) = Margaret   k. Donaldbane, 1093-4, 1094-7
                     1057-93

k. Duncan II,   Edward   Edmund   k. Edgar   Ethelred   k. Alexander I   k. David I   two
   1094   1097-1107   1107-24   1124-53   daus.

William fitz Duncan   [The sons of Malcolm III seem to be mentioned in
                                             order of birth in *Registrum de Dunfermelyn*
                                             (Bannatyne Club, 1842) no. 1.]

William, the   three   Donald Ban
boy of Egremont   daus.   Macwilliam

                           two sons

Such is the conventional picture of these years, filled in by different writers with a different selection of details. To Hume Brown, Duncan II was virtually a Norman knight with 'little patriotic scruple' who pledged 'unconditional allegiance' to William II. The same writer accepted Edgar's charter of 1095 (Lawrie XV), though apparently placing it after 1097, and recognised that king Edgar was the 'feudal inferior' of the English king.[1] W. F. Skene held that both kings received the kingdom as vassals of William II, but that once in Scotland they based their title upon 'hereditary right', by which phrase he translates the *constans hereditarie* of Lawrie XII. Skene also concluded, by arguments which are by no means clear, that once in possession of the kingdom they were vassals for Lothian only, independent kings of *Scotia*.[2] Professor Ritchie is reticent about these questions. He contrasts in the same way as Skene the fealty and the hereditary right of Duncan II. He makes no mention of the fealty performed by king Edgar to William II, and quotes Gaimar that Edgar 'had received his realm freehold, without tribute'.[3] Although few documents of the period escaped remark by this author, he makes no mention of Lawrie XV and XVI, and presumably dismissed them as forgeries.

Each of those two charters shows that Edgar was entitled king in 1095. Rufus's writs (Lawrie XVI), which cannot be questioned, say that 'king Edgar son of Malcolm king of Scots' made a certain gift to Durham, king William agreeing (*me concedente*). Edgar's diploma (Lawrie XV) runs in the name of *Edgarus filius Malcolmi regis Scottorum totam terram de Lodoneio et regnum Scotie dono domini mei Willelmi Anglorum regis et paterna hereditate possidens*,[4] but Edgar is styled *rex* at his *signum*. Three suggested explanations have been put forward. That the charters are forged is one with which we have dealt fully. The second explanation views Edgar as the heir to Malcolm III or Duncan II, and rightful king in 1095; he was a pretender who had assumed his *de iure* style. This

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[1] P. Hume Brown, *History of Scotland*, i (1911), 51, 53.

[2] W. F. Skene, *Celtic Scotland*, i (1886), 438, 440, 444-6. Tenure in fealty and tenure by hereditary right are contrasted.

[3] Ritchie, op. cit., 61-63, 87-88. Cf. G. W. S. Barrow, *Feudal Britain* (1956), 132-3.

[4] Compare the charter of 1146, with initial cross, issued by Osbert *nepos* of bishop Ranulf 'legali donatione ipsius episcopi hereditario iure possidens manerium quod dicitur Midelham'. The form and phraseology are archaic at this date (Surtees, *History . . . of Durham*, iii (1823), 385).

will not hold, for it ignores the nature of eleventh-century king-ship. Kings were made, not born, and in every king's right there was an element of inheritance, choice, acceptance, and investiture. Matilda, daughter of Henry I, at the most success-ful period of her struggle with king Stephen called herself only 'lady of England' since she had not been acclaimed, invested and anointed as queen. As a mere claimant Edgar would never have styled himself king.

The third explanation, first advanced by James Raine, originates the view that the Scottish kings were vassals for Lothian but not *Scotia*. It accepts the previous argument that Edgar was *de iure* king, and explains the wording of Lawrie XV as 'possessing Lothian by gift of king William, and *Scotia* by paternal inheritance'.[1] This is to proceed from an untenable assumption to an unwarranted conclusion. The words do not mean this; they say and mean that by paternal inheritance and by gift of king William, Edgar possessed Lothian and *Scotia*.

Edgar was styled king in 1095 because, with his hereditary claim, he had been chosen by William II as king, had accepted, and had been invested by William II in Lothian and *Scotia*. For these *beneficia* he must previously have done homage to William II as his lord. He was king *paterna hereditate* (by inheritance) and *dono* (by investiture). Or rather he was king in the eyes of Rufus (Lawrie XVI). Edgar himself may have been less sure, for, in his own charter, he was not king in the protocol (Edgar son of Malcolm, possessing Lothian and *Scotia*); only as an afterthought is he king in the subscriptions (*signum Edgari regis*). The only sense in which he possessed Lothian and *Scotia* was that Rufus had handed them to him in a symbolic investiture. And the Anglo-Saxon Chronicle makes no bones about the matter: in 1097 Edgar Atheling put Edgar his nephew on the Scottish throne 'in fealty to king William'.[2]

The question of Edgar's rights *paterna hereditate* cannot be answered on present evidence, though Professor Ritchie held that 'Edgar's right was might—Norman might. . . . The Sons of Margaret had a skeleton in the cupboard, their defective title to the throne.'[3] The evidence may be summarised. King Duncan II was taken a hostage by William I in 1072; in 1094 he became king; after 1097 a claimant to the Scottish throne giving himself out to be his descendant could always find ad-

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[1] Raine, op. cit., 377-8.   [2] See below, p. 133.
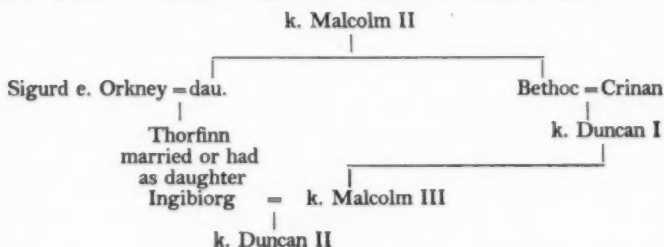[3] Ritchie, op. cit., 16-17, 30, 34, 91-95.

herents. From this it may be argued that Professor Ritchie is correct in finding Duncan the lawful heir to Malcolm III by right of primogeniture. But William of Malmesbury calls him *nothus*, bastard; among those for whose welfare or souls Duncan II made his gift to Durham he conspicuously omitted his mother; according to the Anglo-Saxon chronicle the oldest son of Malcolm III by Margaret should have succeeded him had he not been killed with his father; the sons of Malcolm and Margaret, kings of Scotland, were not perturbed by the existence of a lawful son to Duncan, who appears not infrequently as a witness to charters of David I. All of which seems to argue that there was some canonical doubt about the validity of the marriage of Malcolm III and Ingibiorg, and the legitimacy of their son Duncan. The problem will not be solved until the relationship of Malcolm III and Ingibiorg is established.[1]

In their charters, Lawrie XII and XV, both Duncan II and Edgar are very insistent upon their claim by inheritance. One was king *constans hereditarie*, the other *paterna hereditate*; it is possible that by such words Duncan II was asserting his legitimacy and Edgar casting doubts upon it, but this is scarcely likely. Success for Duncan II was the judgment of God and a verdict of legitimacy if any doubt thereof had existed. After his death his heir was a child,[2] and no menace to Edgar. Moreover, each king styles himself in addition 'son of king Malcolm', words which surely show that each sought to assert his hereditary right against one who was not the son of king Malcolm—the 'usurper' Donaldbane.

James Raine in a footnote remarked 'It is very probable that

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[1] The most likely explanation is that an increasing knowledge of canon law revealed, perhaps long after the death of Ingibiorg, that the marriage which had been contracted in good faith was within the forbidden degrees:

k. Malcolm II

Sigurd e. Orkney = dau.   Bethoc = Crinan

Thorfinn   k. Duncan I

married or had
as daughter
Ingibiorg = k. Malcolm III

k. Duncan II

[2] His gift to Durham, Lawrie XII, was made *pro infantibus meis*.

in adopting the words *constans hereditarie rex Scotie* Duncan
was intentionally following the example of William the Con-
queror'.[1]   In support of this he cited two Durham charters
beginning *Ego Willelmus Dei gratia Rex Anglorum hereditario
iure factus*,[2] but unfortunately these charters seem to be later
forgeries.   The phrase *hereditario iure* was, however, used in
a similar context in a charter to Jumièges abbey,[3] and by
William II in a charter to the bishop of Lincoln,[4] both of which
seem to be acceptable.   Much more important is the fact that
iure hereditario was not a new phrase in the post-Conquest
period, but can be traced in Norman charters to the early
eleventh century, and that it was in regular use on the Conti-
nent in that century,[5] a fact which explains why it was chosen
by scribes seeking to express the claim of William I to the
English crown.   There is no doubt that Duncan II and Edgar
had an analogous claim, that is by right inheritance as against
a 'usurper'.

But if emphasis of this kind were sought by Duncan II and
Edgar, the everyday Latin phrase *iure hereditario* expressed it, a
phrase which scans just as does the one actually used by the
former.   To the writer it seems that the historian must explain not
why Duncan styled himself *constans hereditarie rex*, and Edgar
paterna hereditate, but why they did *not* style themselves *iure
hereditario rex*.

An examination of the use of the phrase in Norman charters
elsewhere than in the protocol suggests a possible explanation.

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[1] Raine, op. cit., 376, *n. a*; cf. Ritchie, op. cit., 62.

[2] *Regesta*, i, nos. 231, 272. *Liber Vitae Ecclesiae Dunelmensis* (Surtees
Society, 136, 1923), fo. 50*v*.

[3] 'Ego Wuillelmus Normannie dominus jure hereditario Anglorum patrie
effectus sum Basileus' (*Chartes de l'Abbaye de Jumièges*, ed. J. J. Vernier, i (1916),
p. 82. *Regesta*, i, no. 21).

[4] 'Ego Willelmus Dei gratia rex Anglorum Willelmi regis filius qui
Edwardo regi hereditario iure successit' (*Registrum Antiquissimum of Lincoln*,
ed. C. W. Foster (Lincoln Record Society, 27, 1931), i, no. 4. See also *Regesta*,
i, Appendix, no. viii; *Regesta*, ii, Appendix, no. xxxix).

[5] Haskins, *Norman Institutions*, 259, 290, 293. The *Recueil des Actes de
Louis IV*, 936-954, ed. M. Prou and P. Lauer (Chartes et Diplômes relatifs à
l'histoire de France, 1914), yields the following: *iure perpetuo*, pp. 20, 24, 42,
44, 47; *iure perpetualiter*, p. 32; *proprietatis iure*, p. 88; *iure hereditario*, pp. 40,
58, 97. See also the Anglo-Saxon *boc* with 'evident traces of foreign influence'
from the year 1069, cited F. M. Stenton, *Latin Charters of the Anglo-Saxon
Period*, pp. 87-88. It includes the phrase 'by hereditary right'. Apart from
Haskins, the most accessible collection of Norman charters is to be found in
F. Lot, *Etudes critiques sur l'abbaye de S. Wandrille* (*Bibliothèque de l'école des
hautes études*, 204, 1913), pp. 21-191. This yields many examples of the phrase.

It is noticeable that in the charter of Duke Robert II printed
above, the abbot of Fécamp was to hold certain land *iure
hereditario*; even more remarkable was the vindication, in
1106-7,[1] of the right of the abbey of Bec to possess the church
of Emendreville *iure hereditario*. These two words must have
signified more than 'by paternal inheritance' and the additional
implications must have been so prominent and important that
the phrase could be used of holding in mortmain, where no
question of inheritance arose.

An examination of eleventh-century charters shows a re-
markable concurrence of hereditary right and allod. Although
with 'hereditary right' allodial holding is not always mentioned,
the fief or benefice is never mentioned. The idea of the allod
as outright ownership, the fief as dependent tenure, has long
been modified.[2] Maitland, commenting on the development of
the Norman fief from tenancy at will to heritable tenancy, re-
marked, 'The Norman Conquest . . . occurs at a particular
moment in the history of this process. It has already gone
far . . . the *feodum* is hereditary; men now see little difference
between the *feodum* and the *alodus,* or *alodium* the fullest owner-
ship there can be. And yet a trait of precariousness clings to the
fee; it is easily forfeitable, and the lord's rights in the land
appear in the shape of reliefs and wardships.'[3] More recent
scholars, while agreeing with this general thesis, would see
the fief in 1066 as less hereditary, more 'precarious', than did
Maitland.[4] The allod descended within a family by hereditary
right, even though its holder owed services for it.[5] The fief

[1] Haskins, *Norman Institutions*, 293.

[2] J. E. A. Jolliffe, 'Alod and Fee', in *Cambridge Historical Journal*, v (1937),
225-34, deals with allodial and feudal tenure in Anglo-Saxon England. Mr
Jolliffe's views probably do not command general acceptance, for he returns to
the contrast of absolute and conditional right. Cf. F. Barlow, *Feudal Kingdom of
England, 1042-1216* (1955), 7-12. Mr Jolliffe does, however, show that the
allod had the character of *perpetua hereditas* in Anglo-Saxon England.

[3] Pollock and Maitland, *History of English Law* (2nd edn. 1898), i, 68-72.

[4] V. H. Galbraith, 'An episcopal land-grant of 1085', in *English Historical
Review*, xliv (1929).

[5] To my knowledge, the most recent discussion of the allod in Normandy is
to be found in R. Carabie, *La Propriété foncière dans le très ancien droit normand*,
i, *La Propriété domaniale* (Caen, 1943). This book, though available in Edin-
burgh University Library, may not be easily accessible to readers. Accordingly
I give a summary of the argument of pp. 230-9 (allod) and pp. 245-54 (fief);
the documentation of the original is full.

Allod. In the Frankish period *alodis* meant hereditary land, contrasted with
bought land; *proprium* was independent land, owned outright, perhaps con-
quered, and was contrasted with *beneficium,* land held for services, or as recom-

however passed from father to son not by hereditary right but by the will or consent of the lord whose interest appeared in the services and incidents due from it and, above all, in its return into his own hands and the seisin he gave of it on the death of one tenant and the accession of another. The lord might find it difficult or impossible to prevent hereditary succession to a fief, but the tenant could never be sure that he would not try. Tenure *hereditario iure* was tenure free from those incidents and that liability to forfeiture which made the fief a 'precarious' tenure.

These are the characteristics which, we suggest, led to the deliberate avoidance of an obvious and ready phrase by the Scottish kings. Although each was heir to his father and rightful king, each was not free of obligations and each held his kingdom only by the will, consent and gift of his lord. That lord was William II king of the English. Duncan II and Edgar were not kings *hereditario iure*.[1]

The evidence that Scottish kings had commended themselves to English kings during the Anglo-Saxon period is plentiful, and need not be rehearsed here.[2] Malcolm III did homage to William I in 1072 and to William II in 1091.[3] The exact

pense. *Alodis* and *proprium* came to be confused, and *alodis* ousted the latter term. But in Normandy after 911, in contrast to the rest of France, the allod was not land owned absolutely and free of services, but land held hereditarily—that is, the word retained its meaning from Frankish times. It was, moreover, a tenure, with services due to the lord of the allod, but it was a hereditary and perpetual tenure, in contrast to the *beneficium* which was still a 'precarious' tenure.

Fief. Only after 911 is the word *beneficium* found in Norman texts, which are very scarce for an earlier period. In the eleventh century the benefice was always a conditional tenure, given in return for personal services; the recipient could not alienate without his lord's consent. It is difficult to prove that the benefice was not hereditary, but there is evidence of the return of benefices when the recipient gave up his services; probably the benefice was becoming more and more generally hereditary during the century. In the twelfth century it certainly became hereditary, and the word *beneficium* disappeared, while *alodium* became rare. *Feodum* displaced *beneficium* entirely, and *alodium* almost entirely; it comprehended both. *Alodium* was thereafter reserved for certain peculiar tenures—those in the banleucas of towns enjoying the privilege of 'bourgage'. The fief was no longer a 'precarious' tenure.

For the allod see Marc Bloch, *La Société Féodale*, i (1939), 264-6, 372-5. I have not seen E. Chenon, *Etude sur l'histoire des alleux en France* (Paris, 1888).

[1] In 1189 Richard I returned Berwick and Edinburgh castles to king William 'tanquam eius propria iure hereditario ab eo et heredibus eius imperpetuum possidenda'.

[2] See F. M. Stenton, *Anglo-Saxon England* (1947), 338, 354-5, 364-5, 412-3.

[3] A. O. Anderson, *Scottish Annals from English Chroniclers* (1908), 95, 108.

significance of these ceremonies in territorial terms is uncertain. Ordericus Vitalis states that the Conqueror had confirmed the Scottish king in Lothian in 1072, and implies that Malcolm III had promised homage to Robert, oldest son of William I, so that in 1091 he was at first unwilling to do it to William II.[1] No writer speaks a word of any Scottish claim upon Northumberland, but in 1092 Rufus occupied Cumbria, and it was probably this which led to Malcolm III's visit to Gloucester, his return home in anger, his invasion of England and death. Of Cumbria he was ruler as 'son of the king of the Cumbrians'.

In 1093, on the death of Malcolm III, and the 'usurpation' of Donaldbane, the heir to the former, Duncan II, 'came to the king [William II] and did such fealty as the king would have of him, and with his consent went to Scotland'. Rufus gave the kingdom of Scotland to Duncan, provided him with an army— an expensive business for which he must have expected some return—and sent him north.[2] He was killed, after a brief reign, by Donaldbane. In 1097 Edgar Atheling, again with Rufus's aid, put king Edgar his kinsman on the Scottish throne 'in fealty to king William'.[3] In 1107 Alexander I 'succeeded to the kingdom as king Henry granted him'.[4]

In these conventional translations the word fealty, but not 'homage', is used, and it may be suggested that this would mean only an oath to 'bear faith' to William II as lord, but would not involve the ceremony of homage nor the words 'I become your man'. Duncan II did such pledges (*swilce getrywða dyde*) as Rufus wished. *Getrywþ* means 'covenant,

D. C. Douglas and G. W. Greenaway, *English Historical Documents*, ii, *1042-1189* (1953), 154, 168. This (and following notes) refer to the Anglo-Saxon Chronicle. Anglo-Saxon terms for the feudal relationship are often less unequivocal than their Latin counterparts, but the statement that king Malcolm *became William's man* (1072), *became William's man* 'for all such subjection as he had made before to his father and confirmed that with an oath' (1091) implies on both occasions the performance of homage, and on the second occasion an oath of fealty. But the second statement also implies that on both occasions there were limitations or reservations.

[1] This seems to be the implication of Malcolm's speech to Robert as reported by Ordericus: 'King William [I] . . . made me subject to thee . . . to thy brother [William II] I have promised nothing and owe nothing. "No one" as Christ says "can serve two masters".' (Anderson, *Scottish Annals*, 107*n*.)

[2] Anderson, *Scottish Annals*, 118. Douglas and Greenaway, op. cit., 170. The statement that Rufus gave the kingdom is based on the report by Florence of Worcester quoted in the following paragraph that Duncan sought and demanded of king William that he would grant him the *regnum*.

[3] Anderson, *Scottish Annals*, 119. Douglas and Greenaway, op. cit., 174.

[4] Anderson, *Scottish Annals*, 128. Douglas and Greenaway, op. cit., 180.

treaty, pledge, faith, fealty' but *dyde* is the past tense of *don*, to do or make, and implies solemn action or words. The plural of the noun shows that more than one obligation was undertaken. Florence of Worcester, writing in the early twelfth century, says 'Dunechanus . . . Willelmum . . . ut ei regnum . . . concederet petiit . . . illique fidelitatem iuravit', but this does not by any means exclude homage.[1]

Edgar was made king in 1097 *on þæs cynges Willelmes heldan.*[2] The word *heldo* or *hyldo* describes here not an act but a condition, a continuing relationship, fealty in the sense of fidelity and not specifically the oath of fealty. The adjectival form was used as a translation of *fidelis*, and the *fidelis* of anyone was a vassal, one who had done homage. The relationship of inferior to superior is always implicit in the Anglo-Saxon words *heldo, hyldo, hold*, and this relationship, with the obligation of fidelity to William II, clearly applied to Duncan II and Edgar.[3] It was entered into by an oath of fealty at least; of that we may be sure. But the wording of our sources neither mentions nor excludes the ceremony of homage.

Malcolm III had done homage and probably fealty to William I, homage and fealty to William II, and in return had received, it seems, confirmation in the land of Lothian; this was his benefice. His sons, first Duncan and then Edgar, were, to

[1] In 1086 the Anglo-Saxon Chronicle mentions homage and fealty in the great assembly at Salisbury: *sub anno* 1085: ealle hi bugon to him. 7 weron his menn.7 him hold aðas sworon . . . Florence, however, mentions only fealty.

[2] In 1095 Henry (later King Henry I) was sent to Normandy by William II *on þæs cynges heldan* against their brother Robert. The circumstances are imperfectly known. Henry played a lone hand in Normandy between 1091 and 1094. In 1094 Rufus had failed to conquer the duchy and sent for Henry. In the spring of 1095 Henry went with much treasure to fight for William against Robert. It is unlikely that Rufus would entrust him with this task, for which he would receive some reward in lands, without first receiving his homage and fealty. (See C. W. David, *Robert Curthose* (1920), 62-88.) Cf. *þe . . . on þes cynges unheldan wæron*, 'who were disloyal to the king', in the Chronicle, *sub anno* 1095.

[3] Earle and Plummer, *Two of the Saxon Chronicles parallel*, i (1892), 217 (1086), 228 (1093-4), 230-1 (1095), 234 (1097). C. Clark, *The Peterborough Chronicle, 1070-1154* (1958), 4 (1072), 9 (1086), 20-21 (1093-4), 22 (1095), 26 (1097). Miss Clark shows that the 'Peterborough' version of the Chronicle for these years was a copy of annals which seem to have been written up at the end of each year—that is they are nearly contemporary (ibid., pp. xv-xvii). *Florentii Wigornensis Chronicon*, ed. B. Thorpe, ii (*English Historical Society*, 1849), 19, 32. Bosworth and Toller, *Anglo-Saxon Dictionary*, and Toller, *A-S. Dict. Supplement*, s. vv. *getruwp, held, hyld*. I am much indebted to Professor Angus MacIntosh for guidance in this matter; the views expressed are, however, my own.

put the matter bluntly, mere beggars at the court of Rufus. We must ask ourselves whether it is likely, or whether there is evidence, that Rufus, who had had homage and oath of fealty from their father, would content himself with less—fealty only —from them. We must also ask whether, in the relationship between them and Rufus, they were in a position to impose, or William likely to accept, a limitation to the land of Lothian. To the writer it seems that the implicit meaning of the Anglo-Saxon Chronicle is that the three brothers Duncan II, Edgar and Alexander I, were vassal kings. These kings, or at least the first two of them, owed their position on the throne wholly to English intervention, and the evidence relating to their reigns, scanty as it is, shows that they loyally fulfilled the obligations to the English king which they owed as a consequence of taking him as lord.

Edgar went to a crown-wearing of Rufus, and bore the sword beside him in 1099.[1] His sisters were in England; Henry I took one of them to be his own wife, with no trace of consulting the Scottish king, while the other sister was hawked by king Henry around the European marriage market, being first refused by William count of Mortain, and then accepted by Eustace count of Boulogne. Alexander I married an illegitimate daughter of Henry I who was neither good-looking nor well-mannered; he led a Scottish contingent in the Welsh campaign of 1114 on the side of Henry I; and during his reign he was forced by Norman pressure to hand over part of his kingdom—Lothian south of Lammermuir—to his younger brother David. The long vacant see of St. Andrews was filled by royal investiture when Turgot was chosen to be bishop by Henry I at the request of Alexander I.[2] The consequences of the way in which the sons of Malcolm III obtained the throne are plain—they are the services and incidents due from a vassal to his lord for his fief. For long enough this evidence has been shrugged aside, the simple words of chronicles left unexplained, and a wholly false impression given of Anglo-Scottish relations in the early Norman period. By this means it has been possible

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[1] King Edgar was at the court of Henry I at some time between 12 March 1101 (the earliest possible date of Roger as chancellor of king Henry) and the end of 1102 (*Regesta*, ii, 601, appendix XIV). King Henry underwent a second coronation, or had a very solemn crown-wearing, at St. Albans in June 1101 (*Regesta*, ii, 1124). Was king Edgar again present?

[2] There are signs of growing resistance by Alexander I to English overlordship especially in the ecclesiastical field.

to reject the charter evidence which fits in all too well with the words of the chronicles.

The tale of each is the same: from 1097 until at least 1124, the Scottish kings were at peace with the neighbour-kingdom because they accepted the lordship of William II and Henry I. The position after 1124 needs re-examination in the light of that fact. But it is doubtful if we can sustain for much longer the thesis that there was no Norman Conquest of Scotland.[1]

ARCHD. A. M. DUNCAN.[2]

[1] The writer has made extensive use of *Facsimiles of English Royal Writs* for this paper. He would like to emphasise the value of a collection of this kind and to suggest that when the time comes to re-edit the Scottish charters of the period 1094–1153, a similar collection of facsimiles of all originals should be the beginning.

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The Struggle for Carron

SAMUEL GARBETT AND CHARLES GASCOIGNE

AMONG the early experiments in large-scale industrial organisation, none was more notable than the Carron iron works, and none suffered so much from over-expansion, faulty capitalisation, and—most pernicious of all—divisions among its directors. Founded near Falkirk in 1760 by John Roebuck and Samuel Garbett, the company grew rapidly in the 1760's and expanded into a great many subsidiary enterprises, only to come near to collapse in the financial panic of 1772-3. Its history for the next decade and a half was dominated by the struggle for control between Samuel Garbett and his son-in-law, Charles Gascoigne—a struggle which was to involve the British and Russian governments, industrial spies and the renegade Scottish admiral of Catherine the Great's navy.

From the beginning of their partnership the founders could not agree on the organisation and aim of their venture. Samuel Garbett of Birmingham had risen slowly from the status of brassworker to that of one of the leading industrialists of his native town, and in the process had been involved in a number of unsuccessful business ventures, notably in the machine-spinning experiment of John Wyatt and Lewis Paul.[1] The experience had made him chary of ambitious undertakings. John Roebuck, on the other hand, had no real business sense, but was one of the most brilliant industrial chemists of the age; a man whose mind overflowed with clever, and usually risky schemes for industrial development.[2] The partnership had already made a success of vitriol works at Steelhouse Lane, Birmingham, and at Prestonpans[3]; but at Carron there was

[1] *The Autobiography of Dr Alexander Carlyle of Inveresk, 1722-1805* (1910), 384; Birmingham Municipal Library, Local Notes and Queries (1889-93), Nos. 2811, 2815, 2832; T. S. Ashton, *Iron and Steel in the Industrial Revolution* (1924), 224.   [2] Ashton, op. cit., 48, 50.
[3] W. H. B. Court, *The Rise of the Midland Industries, 1600-1838* (2nd ed.; 1953), 226; H. W. Dickenson, 'The History of Vitriol Making in England', in *Transactions of the Newcomen Society*, xviii (1937-8), 45-46.

some competition for the site at the outset, and Roebuck apparently hurried Garbett into the project before the latter was ready. Garbett was acutely conscious that they lacked the capital necessary for realising Roebuck's plans[1] and would have preferred to set up a smaller foundry at Magdalene Bridge, drawing on the local labour of Musselburgh and Fisherrow, and borrowing a good part of their capital from Lord Milton, who was prepared to support such a modest venture. But on this, as on subsequent occasions, Garbett's business sense was not permitted to save the partnership from the consequences of Roebuck's easy optimism. In conjunction with William Cadell, shipowner of Cockenzie, the partners put Carron into operation in 1760.

The works had the advantage of local supplies of ironstone and limestone and good communications with the River Forth, but, as repeated changes in the capitalisation indicated, the management was weak and the enterprise suffered from the temptation on the part of its directors to expand it beyond its economic limits—a temptation which plagued many other contemporary firms.[2]

The original capitalisation of Carron was based on twenty-four shares of £500 each. Roebuck and Garbett held six each and the others were held by Roebuck's three brothers and William Cadell and his son.[3] In 1764 the company was re-organised, principally as a consequence of the drain of Roebuck's other, less profitable, ventures. The new arrangement was one of ten shares, of which Garbett held four. He also owned two of Roebuck's three shares, but these were held under Roebuck's name in order to maintain his ostensible interest in the business.[4] The other three shares were held between the Cadells, Adam Fairholm, John Adam, Ebenezer

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[1] Carlyle, op. cit., 383. According to Carlyle, Garbett, 'who was a man of sense and judgment, was much against that great undertaking as, independent of the profits of the vitriol works, they had not £3,000 of stock between them' (ibid.).

[2] Particularly Boulton and Fothergill of Birmingham and the Albion Steam Flour Mill (J. E. Cule, 'Finance and Industry in the Eighteenth Century: The Firm of Boulton and Watt', in *Economic History*, iv, 319-25; O. A. Westworth, 'The Albion Steam Flour Mill', ibid., ii, 380-95).

[3] Ashton, op. cit., 49-50.

[4] Samuel Garbett to the Earl of Shelburne, 26 November 1772 (Birmingham Municipal Library, Letters, Copies of Letters and other Papers, Chiefly Correspondence, Addressed from Samuel Garbett of Birmingham to the Earl of Shelburne, Afterwards Marquis of Lansdowne, 1766-1802 [referred to hereafter as Letters of Garbett] vol. I, fos. 22-23).

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Roe and Thomas Roebuck.[1] In 1765 Garbett's son-in-law, Charles Gascoigne, whom he had promoted rapidly in the business because of his talents for management, was given a share. Since 1763, moreover, Gascoigne and Garbett's son Francis had been building up Francis Garbett and Company, a firm for shipping and development, with headquarters at the Carron Wharf on the Thames and with coal mines at Bo'ness, near Carron. This project absorbed a great deal of the surplus capital from the parent concern, a fact which contributed significantly to the subsequent financial troubles of Carron and the Garbetts.[2] In 1766 Roebuck's enterprises suffered a further collapse, and Garbett made himself responsible for some of his partner's financial commitments.[3] But despite this added burden, the Garbetts prospered during the next few years and expanded their holdings to include iron works along the Trent and in Herefordshire, which the younger Garbett managed.[4]

The panic of 1772-3 hit the Garbetts hard. Financially shaky concerns of Roebuck to which they had fallen heir had to be maintained because of their close association with more vital undertakings. The financing of all these enterprises, which was extremely complicated, collapsed with the failure of the Douglas Bank, upon which the family had largely relied for credit.[5] The Carron Company itself, in which the Garbetts now held £50,000 worth of shares, remained sound, but in November 1772 the Francis Garbett Company's effects were sequestrated for their creditors. Charles Gascoigne was appointed administrator and an agreement was made, whereby the debts of the company would be paid off. This arrangement somewhat restored the credit of the Garbetts, and Samuel still hoped to revive the Francis Garbett Company; but the debt agreement had meant the loss of a considerable proportion of his share in the profitable works at Prestonpans, at Birmingham

[1] Ashton, op. cit., 50.
[2] Samuel Garbett to Shelburne, 26 November 1772 (Letters of Garbett, vol. I, fos. 22-23); cf. *Information for Samuel Garbett, Defender, Against the Carron Company, 10 October, 1778* (Edinburgh, 1778), p. 6.
[3] The partnership in the vitriol works was dissolved on 26 September 1766, but was later renewed on terms more advantageous to Garbett (Court, op. cit., 227).
[4] The appointment in 1767 of Francis Garbett as a Justice of the Peace in Herefordshire and Radnorshire illustrates the increase in the influence and importance of the family during these years (Garbett to Shelburne, 24 November 1767—Letters of Garbett, vol. I, fos. 13-14).
[5] Garbett to Shelburne, 26 November 1772, ibid., fos. 22-23.

and on the Trent, and without these assets he could not hope to restore the Garbett Company.[1] For the next seven years, in fact, he was engaged in a life and death struggle to maintain his position at Carron itself.

These were the years in which Carron underwent great expansion. In 1771 its capital was increased to £130,000, and in 1773, under a royal charter in joint-stock form, to £150,000 in six hundred shares, of which the Garbetts held ninety-six.[2] In 1773 Gascoigne was appointed manager of the gun foundry, by this time the most important part of the works. His appointment as administrator of the Francis Garbett Company in bankruptcy in the previous year had marked a break with his father-in-law, and he now used his new office to strengthen his own position in Carron and weaken that of the Garbetts, uniting with the other partners—Roe, Adam and Arthur Balfour —in an attempt to push Garbett out of business.[3] As manager of the gun foundry, he directed the development by Patrick Miller of an improved version of General Melville's 'smasher gun'. Samuel Garbett had at first been doubtful of the wisdom of embarking on this development, and this hesitation weakened his influence among his fellow directors,[4] because the gun produced was the famous carronade, one of the decisive weapons of naval warfare. The American War, in fact, brought prosperity and expansion to Carron, including the application of Watt's steam engine to pumping operations and the development of overseas markets for the company's products.[5] These

[1] Garbett to Shelburne, 26 November 1772, ibid., fos. 22-23.

[2] Ashton, op. cit., 52.

[3] Garbett wrote in 1780 that Gascoigne 'has for ten years practised many extraordinary manoeuvres to abuse the confidence I and my son had placed in him' (Garbett to Shelburne, 23 March 1780, Letters of Garbett, vol. I, fo. 24).

[4] Ibid.; cf. D.N.B., xiii, 417-20; Notes and Queries, 1st Ser., xi, 247-8.

[5] 'Their great guns, which were cast solid, and bored by a drill worked by the whole force of the River Carron, were exported to Russia, Denmark, Spain, &c.: and the quantities were so considerable that the government was unwilling to let them be carried in ordinary ships, lest they should fall into the hands of the American cruisers. The company thereupon fitted out a stout ship of their own, properly armed and manned, for the purpose of carrying to Spain 300 iron guns from three to twenty-four pounders. This is given as a specimen of the cargoes shipped by that great manufacturing company, who besides supplying the demand in Britain, about this time [1777] furnished many other cargoes of great guns to Spain, Russia, and other foreign powers. The war also greatly increased the demand for their iron ballast, which was universally used in the navy, and also in many merchant ships. Their stoves, which are now in every apartment all over the kingdom, were at this time beginning to come into use' (David Macpherson, Annals of Commerce (1805), iii, 609).

developments, in turn, increased the influence and importance
of Charles Gascoigne.

Garbett did not succumb easily. By 1780 he had won four
legal actions against Gascoigne's confederacy. But the debts
which he had assumed on behalf of Roebuck then forced a fore-
closure on his Prestonpans and Trent holdings. Gascoigne,
moreover, accused Garbett of misappropriating the Carron
shares which he still held in the name of Roebuck, and these
shares were seized to provide cover for Roebuck's debts in
Scotland.[1] In 1782 Garbett was finally able to come to terms
with his creditors and went into bankruptcy. Though he
continued to share, in his son's name, in such great undertakings
as the Albion Steam Flour Mill and the Cornish and Paris
Copper Companies, and his family still held the largest single
share in Carron itself,[2] he continued an undischarged bankrupt
until his death in 1803.[3]

The struggle for the control of Carron might have ended at
this point but for Garbett's concern to prevent foreign nations
from stealing British trade secrets and enticing British skilled
workers abroad. During the eighteenth century the British
Parliament, under pressure from the manufacturers, passed
successive statutes of steadily increasing severity against these
practices,[4] and an elaborate system of espionage was developed
in the principal industries. Before the American Revolutionary
War Garbett had used his considerable influence with members
of the government to see that the law was enforced, and had
made rather a nuisance of himself by what he called his 'knight
errantry'.[5] After the war a new and more serious wave of
defections began. Benjamin Franklin was supposed to have
planned a project which was attempted in 1782 to transfer a

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[1] Garbett to Shelburne, 23 March 1780 (Letters of Garbett, vol. I, fo. 24).
[2] Garbett to Shelburne, 21 August 1782 (ibid., fos. 26-27); Ashton, op. cit.,
224.
[3] 'The last years of his life, in particular, were spent in the manifold activities
of arbitrator, prosecutor of emigrant artisans, Guardian of the Birmingham
Assay Office, Chairman of the Commercial Committee, and spokesman to
Government on all questions affecting the interests of employers and dealers
of Birmingham and the Midlands' (Ashton, op. cit., 224-5).
[4] 5 George I, c. 27; 23 George II, c. 13; 14 George III, c. 71; 21 George III,
c. 27; 22 George III, c. 60; 25 George III, c. 67; 26 George III, c. 89; and 35
George III, c. 38.
[5] Garbett to Lovel Stanhope, 26 June 1764, James Farquharson to Stanhope,
November 1764, Farquharson to William Burke, 19 September 1765, Garbett
to Burke, 20, 23 October, 9 November 1766 (P.R.O., Papers, 37, vol. 3, No.
47b, vol. 4, nos. 33, 52, vol. 5, nos. 36, 55, 62).

number of trades, with their workmen and tools, from Stockport to Rhode Island and the United States.[1] According to Garbett, in the two-year period, 1784-6, almost one hundred and seventy workmen and their families had migrated from Scotland to Russia; and in 1786 Catherine the Great's chamberlain, Zinovief, appeared in Birmingham to recruit workmen for the new Russian industries.[2] More significant, Sir Samuel Bentham tried to secure the most important of British industrial secrets, the design of Watt's improved steam engine, for his Russian employers.[3] Carron was particularly subject to such raids because of its great technical lead among the iron foundries of Great Britain, because of its nearness to the North Sea coast, and because of the difficulty experienced by the directors in the early years of the company's existence in getting any degree of assistance or co-operation from the local law officers and customs officials.[4] All these factors were to play their part when the struggle for Carron took a remarkable new turn in 1786. In the summer of that year, Garbett learned that Charles Gascoigne was about to abscond to Russia.

Gascoigne's departure for Russia and his subsequent activities there constitute one of the largest, best organised and most successful of the clandestine attempts to plant a competing industry in a foreign country to be undertaken during the eighteenth century. Both Carron and Willkinson's had been given permission by the government in the spring of 1786 to export cannon to Russia. There is no good explanation as to why this permission was given; perhaps it was intended as part of one of the many fruitless schemes by which the government attempted during the 1780's to gain the friendship and possibly the alliance of Catherine the Great. Inspired no doubt by a natural desire to revenge himself on his successful rivals

[1] John Swindell to Thomas Townshend, 2 August, Sir Evan Nepean to Swindell, 6 August, William Clarke to Townshend, 8 August, William Selwyn to Nepean, 9 September 1782 (P.R.O., H.O., 43, no. 1); Earl Temple to Townshend, 16 October 1782 (B.M., Additional Manuscripts, 40,177, fo. 26).

[2] Garbett to the Marquis of Lansdowne, 16 June 1786, Garbett to William Pitt, 17 July 1786 (Letters of Garbett, vol. II, fos. 7-8, 19).

[3] Samuel Bentham to Jeremy Bentham, 1781 (B.M., Add. MSS., 33,539, fo. 230).

[4] 'Tho' we are blessings to the neighbourhood where we have settled, yet for want of the influence which gentlemen naturally have who have lived long in a country and have family connections, we have frequently had reason and sometimes have been forced to apply for soldiers to protect us in the execution of the laws . . .' (Garbett to William Burke, 8 October 1765, P.R.O., S.P. 37, vol. 4, no. 58; cf. Same to Same, 8 March 1766, ibid., vol. 5, no. 11 (a, b)).

at Carron, and certainly planning to reassert his control at the first opportunity, Garbett protested against the permission and reported that Gascoigne was recruiting workmen from Carron and Birmingham to establish a cannon foundry in Russia. As it later transpired, Gascoigne had already been persuaded by Admiral Samuel Greig, the Scottish sailor of fortune in charge of Catherine's Baltic fleet, to desert to Russia. Gascoigne was to take with him all the materials and skilled labour necessary to duplicate the Carron cannon foundry at Cronstadt. For this defection he was to receive a pension of £2,000 a year and a share of the profits of the undertaking.[1] Garbett pointed out that Gascoigne's desertion would probably mean the loss to Britain of her supremacy in the cannon trade. Miller's carronade would be handed over to Russia and eventually to all Europe. On the evidence of the minutes of the General Court of the Carron Company, Garbett declared that British materials like coking coal, firebrick and machinery were being spirited away to Russia; the British government even permitted Gascoigne to export British gun metal, thereby disappointing Garbett's hope that the project would fail because of its reliance on inferior Russian metal.[2] According to Garbett, Gascoigne's defection would be the final circumstance in a series of disasters which would soon destroy the British metal trades. Already widespread unemployment, aggravated by American restriction against the import of British nails, was facing the nailmakers with the possible alternatives of moving their operations to America or losing the American nail trade to Russia. In fact Zinovief, during his sojourn in Birmingham, had warned Garbett that the Empress intended to cut off supplies of Russian bar iron to Britain as a mark of her displeasure at the negotiation of the Eden Treaty between Britain and France.[3]

The government replied to Garbett's protests that iron cannon was not a staple article of commerce according to the letter of the Acts of Trade, that Gascoigne had been permitted to go to Russia to teach the Russians to cast metal, and that

[1] Garbett to William Pitt, 20 July 1786, Garbett to Lansdowne, 16 June 1786 (Letters of Garbett, vol. II, fos. 19, 8); Garbett to Pitt, 2 August 1786 (P.R.O. 30/8 Chatham MSS., vol. 138).

[2] Garbett to Lansdowne, 16 June 1786, to Pitt, 14, 20 July 1786 (Letters of Garbett, vol. II, fos. 7-8, 18, 19); Garbett to Pitt, 2 August 1786 (Chatham MSS., vol. 138).

[3] Garbett to Lansdowne, 16 June, 31 July 1786, to Pitt, 17, 20 July 1786 (Letters of Garbett, vol. II, fos. 7-8, 13, 19).

in any case the government could not prosecute Gascoigne for recruiting workmen since Garbett had not revealed the source of his information.[1] As a result of the government's inaction (and, according to Garbett, with the connivance of the Scottish Lord Advocate, Ilay Campbell),[2] Gascoigne got safely away to Russia. Once there, taking advantage of the fact that he was still nominally manager of the Carron cannon foundry, he proceeded to order equipment and supplies from his erstwhile partners at Carron. These materials included 800 tons of gunmetal, a cannon-boring engine, parts for a steam engine, cranes and a water engine. When the government, now finally aroused to the danger, challenged the shipments, the partners equivocated; they cancelled the order for the gunmetal and transferred the other orders from the account of their manager to that of Samuel Greig in an attempt to deflect away from themselves at least some of the suspicion of collusion with Gascoigne. The government also ordered the Scottish customs officers to stop the shipment of the engines. But the latter, perhaps under pressure from the Carron partners, decided the question in their own way. Though they refused to allow the export of the boring engine on the ground that it could be used directly in a manufacturing process, they allowed the steam engine parts, cranes and water engine to go to Russia because these would contribute to manufacturing only indirectly.[3] The distinction was a fine one. In view of the fact that Gascoigne later received shipments of gunmetal, firebrick, fireclay, two blast furnaces, two dragon furnaces, and six reverberating furnaces without any objection being lodged by the customs officers, Garbett was probably justified in his suspicion that the local officers were in league with the Carron partners in supporting Gascoigne's scheme.[4] Though local and national authorities were usually more alert to the danger of losing skilled population than they were to the danger of losing trade secrets, Gascoigne was also able to lure a dozen iron moulders

[1] Garbett to Lansdowne, 16 June 1786 (Letters of Garbett, vol. II, fos. 7-8); Garbett to Matthew Boulton, May 1786, to Pitt, 2 August 1786 (Chatham MSS., vols. 104, 138).
[2] Garbett to Lansdowne, 16 June 1786 (Letters of Garbett, vol. II, fo. 8).
[3] Garbett to Pitt, 14, 20 July 1786, Garbett to Lansdowne, 25 July 1786 (ibid., fos. 18, 19, 28b); Garbett to Pitt, 1 October 1786 (Chatham MSS., vol. 138).
[4] Garbett to Lansdowne, 25 July 1786 (Letters of Garbett, vol. II, fo. 28b); Garbett to Pitt, 2 August, 27 September 1786 (Chatham MSS., vol. 138).

away from Carron in August 1786.[1] Garbett complained bitterly that in Scotland the accusations against such men seemed to be undertaken exclusively at the discretion of the Carron partners, Adam and Balfour, who were themselves involved in the traffic.[2]

For Garbett the episode offered a wonderful opportunity to overthrow the confederacy at Carron by prosecuting them for conspiring against the industrial protection laws. But the government refused to prosecute, even when the British ambassador to St. Petersburg, Alleyne Fitzherbert, offered incontestable evidence that Gascoigne was building up a Russian industry to compete with the British metal trades.[3] The explanation of this refusal was probably that after their initial error in allowing Gascoigne to go to Russia, the government were not unwilling to avoid similar mistakes, but they were unduly anxious not to offend the Russians and made little effort to see that the laws were enforced. For want of such regulation, the enforcement was left in the incapable or venal hands of local magistrates.

Garbett still had one manoeuvre left. With Gascoigne's departure, the voting strength of the confederacy in the company might be expected to be reduced. The Garbett family still controlled nearly half the capital in the company. In the spring and summer of 1786 Garbett's agent was in constant attendance at meetings of the General Court of Carron. Gradually support was secured from the smaller shareholders. By August 1786 the Garbett interests had enough support to recover control from Adam and Balfour. But Garbett overlooked the fact that Gascoigne was still the manager of the foundry, even though an exile in Russia, and that his shares still carried voting rights. In the decisive vote in the General Court on 10 August 1786, Adam and Balfour voted as proxies for Gascoigne and by this means retained control of the company by a narrow margin.[4]

This ended the struggle for Carron. In any case, Garbett

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[1] Garbett to Lansdowne, 16 August 1786 (Letters of Garbett, vol. II, fos. 33-35).

[2] Ibid.; Garbett to Pitt, 27 September, 1 October 1786 (Chatham MSS., vol. 138).

[3] This evidence was supported by the testimony of British merchants settled in Russia (Garbett to Pitt, 2 August 1786, Chatham MSS., vol. 138).

[4] Garbett to Pitt, 2 August, 1 October 1766 (ibid.); F. Tibbott to Samuel Garbett, 20 August 1786 (Letters of Garbett. vol. II, fo. 30).

was by this time too much preoccupied with organising the
first national association of manufacturers, the General
Chamber of Manufacturers of Great Britain, to give much
time to the affairs of Carron. Gascoigne, too, ceased to have
much influence in the company, though he continued to receive
supplies from Carron until the Anglo-Russian diplomatic crisis
of 1791, when the government forced the local authorities to
stop the shipments. Carron itself, freed at last from the
divisions in its management which had plagued its early years,
prospered and grew in the great expansion of industry which
the Revolutionary and Napoleonic Wars brought to Scotland.

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Reviews

MEDIEVAL RELIGIOUS HOUSES[1]

THE death of Dr Easson is a serious loss to Scottish medieval studies.
For many years he had been an industrious worker in that field, and
his last volume, published just before his death, will for many years
to come be an indispensable book, the first to be consulted before
making mention of any Scottish medieval monastery, collegiate
church or hospital. It is pioneer work; and while its author would
have been the last person to claim it as definitive or incapable of
numerous modifications, additions and corrections, it is easy to
show that a great step forward has been taken by its publication.
As recently as 1937, in Dr Duke's *History of the Church of Scotland
to the Reformation*, we find, it is to be hoped for the last time, a form
of what may be called the traditional list of Scottish monasteries,
numbering 181, excluding collegiate churches and hospitals.[2] In that
list were 13 Trinitarian houses (Easson has 8), 14 of Templars
(Easson has 2), 18 Dominican (Easson has 16), 20 Franciscan
(Easson has 17), 26 nunneries (Easson has 15), and so on. This
'suppression of religious houses' is very welcome to historians.

Dr Easson's book gives, in the first place, a list of the particular
orders of religious men and women who had houses in Scotland in
medieval times and each one is carefully distinguished from the
others; he gives the dates of their arrival in Scotland, and ample
material to enable one to judge of their relative importance. It is to
be hoped that a copy of his book will be in every local public library
in Scotland, for the benefit of all future writers of parochial histories:
for such histories, written from local knowledge, are of the greatest
possible value—no one can hope to write on a religious house from
charters and chronicles only; the actual site must be visited, if only
in order to understand why the founder of a religious house chose it,
and to see what was its geographical relation to its neighbours; and
local knowledge of placenames is also very relevant. Unfortunately,
in the past, however, many industrious compilers of local history
have had inadequate knowledge of the complications of monastic
history, and have made strange errors. Some of these misunder-
standings and false identifications are here corrected by Dr Easson

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[1] *Medieval Religious Houses: Scotland*. By D. E. Easson. pp. xxxvi, 204.
London: Longmans. 1957. 45s.   [2] Op. cit., pp. 279-86.

in his notes on supposed and unauthenticated houses, as, for example, the completely spurious 'St. Mary of Placentia' in Edinburgh.

Of even greater importance is the provision of ample statistics to enable anyone to judge of the relative influence of any particular order. One notable fact is apparent at the very outset—the small number of houses and of monks of the oldest monastic order, the Benedictine (Black) Monks. On the continent and in England one tends to think of the typical monk as a man belonging to the great Order that occupied Canterbury, Westminster, Winchester, St. Albans or Durham. Professor Knowles can list fifty abbeys, fifty conventual priories, fifty lesser priories and up to seventy-eight alien priories in England all of that Order, about 225 houses in all. Scotland can provide a list of about eight, several of these of quite minor rank, and only one, Dunfermline, of outstanding historical importance. Tironensians had indeed important houses, particularly Kelso, Arbroath and Lindores; the Cluniac reform had only two houses in Scotland, including the great Abbey of Paisley, while England has as many as thirty-seven foundations; but in Scotland the typical monk wears a white habit and is a Cistercian. If the ordinary reader had to name one Scottish monastery it might well be Melrose; and on the dust-jacket of Dr Easson's book we find the central tower of the Cistercian Abbey of Sweetheart.

Again, in England, the Augustinian Canons, though numerous with over two hundred foundations, nowhere had key positions; but in Scotland their supremacy over all other orders is unchallengeable. We need mention only the Cathedral Priory of St. Andrews, with a minimum income in 1561 of £12,500—more than double that of Melrose and surpassing its only rival, Arbroath (£10,924); but Augustinians also held Holyrood, Scone, Cambuskenneth and Jedburgh, all famous in Scottish history, as well as a number of other houses. In a list of orders one ought also to note those which are very weakly represented or hardly included. Carthusians, so important for their spiritual writings in England, had only Perth in Scotland; we know too little of their life, but we think of them as workers on Fordun's *Scotichronicon* rather than as ascetical writers. The Hermits of St. Augustine or 'Austin Friars' appear only in Berwick, with three other proposed but uncompleted late foundations, and yet that order is of extreme importance at the end of the middle ages in Germany, for to it belonged Martin Luther.

Taking in order each family or group of monks, canons or friars, Dr Easson next lists alphabetically those houses whose claim to admission has been successful. In the present state of Scottish monastic history this scrutiny of applicants was the one piece of research which most needed to be done; it is the most valuable part of the book. In general no candidature which is unsupported by record evidence has been allowed, and the alphabetical list of the

successful is followed by a list of claimants, described as unauthenticated, uncertain, or supposed foundations. Comparatively little of this kind of work had to be done for England and Wales by Professor Knowles; most of it had been done already. It may well be that some of the claimants Dr Easson has excluded will find advocates ready to appeal against his decision, but henceforth the burden of proof rests on these advocates; let them produce record evidence. The work has been done once for all; investigation will always start from the exact references to sources which he has given.

In the same way any future historian of any particular house included will start from the references Dr Easson gives. In some cases, no doubt Dr Easson has failed to note or to refer to other relevant references, and even dates of foundation may in future be successfully challenged; but, at last, we have a scientifically constructed list from which to start.

One of the prefatory poems, written in 1622 by Master Alexander Craig, in compliment to Habbakuk Bisset's *Rolment of Courts*,[1] where there is an early attempt to list Scottish medieval religious houses, is still appropriate as a comment: it is here very slightly modernised:

> 'Twixt was and is how various are the odds;
>   What one man does another doth undo;
> One consecrates religious work to Gods;
>   Another leaves sad wrecks and ruins now.
> Thy book doth show that such and such things were;
>   But would to God that it could say they are.
> When I survey the North, South, East and West
>   And mark, alas each monument amiss,
> Then I compare times present with the past,
>   And read what was but cannot see what is.
> I praise thy book with wonder, but am sorry
>   To read old ruins in a recent story.

To Alexander Craig, writing early in the seventeenth century, a Scottish medieval religious house already meant a ruin.

In Dr Easson's rapid survey of the sources on which any Scottish 'Monasticon' must be based, the first striking fact is that none of the large-scale projects, of which there have been several, ever achieved publication. Consequently a student has first to work on unpublished manuscript collections, of which three are outstanding. The first, to be consulted in the National Library of Scotland, is that of Richard Augustine Hay, a Canon-Regular of St. Augustine, who in 1687, watched, with a severely critical eye, the services, and listened, with a no less critical ear, to the music provided by Jesuits and seculars in the former house of his own Augustinians, the Abbey of Holyrood. His ideal was a restoration of the old medieval order of things; to

[1] Scot. Text Soc., i, 23.

some it seemed then attainable under a Catholic King; and to achieve this the past must be studied. The desirability of working for any such ideal was clearly debatable, and it is worth while to read the very different proposals put forward by Father Robert Persons, S.J., whose *Memorial for the Reformation of England*, written in 1587, was first printed and made available to the general public by the un-friendly hand of Edward Gee just after that time, namely, in 1690. It expresses a very diverse attitude to the old medieval religious orders.

The second major attempt was that of the Ratisbon and Erfurt Scottish Benedictine, Marianus Brockie, whose bulky manuscript, with many corrections, cancellations and insertions, together with a transcript copy, prepared for the press, and a further very legible modern transcript made at the beginning of this century, are all in Blairs College Library. It has long been a legitimate cause of com-plaint that this material has been comparatively inaccessible; now, however, the modern transcript, from which all work on it must start, is all available on micro-film. Brockie came nearest to publication. He did complete his work; and a kind of prospectus, giving the title-page and list of contents, was printed at Ratisbon in 1752.

The third ambitious project was that of General Hutton (died 1827), whose materials are in the National Library of Scotland. He approached the subject of monasticism from outside as an anti-quarian; but he has much valuable matter which, if very carefully checked, could still add to our knowledge.

All three sources, even although they are secondary, need more careful examination than Dr Easson or anyone else has so far given them. It is true that a very large part of all three can be at once put aside. Where original documents still exist, or where modern critical editions have been published, no one would go to transcripts by Hay, Brockie or Hutton. But a critical examination of what is left, which includes a number of highly suspect and some certainly forged docu-ments, copies of originals not now known to be extant, ought to be undertaken. Certainly none of the three were themselves forgers, but they copied and used documents less critically than a modern historian would do. Forgeries require and deserve study; they have to be explained by historians; and while much spurious Scottish history has been written, the surprisingly audacious mendacity of certain Trinitarian monastic compilers, apparently in Spain in the seventeenth century, has few parallels.[1]

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[1] See especially the great volume *Noticias Historicas de las tres florentissimas Provincias del celeste orden de la Santissima Trinidad . . . en Inglaterra, Escocia y Hybernia*, by Father Domingo Lopez (pp. 626, Madrid, 1714), which amplifies similar earlier works and gives detailed histories of many completely non-existent houses in all three countries, and a copious completely worthless Biographical Dictionary of the members.

The second source, and that primarily used by Dr Easson, is to be found in the printed cartularies and other records of which he gives an impressive list, extending to nine pages. Bibliographically this is important, but a word of warning is needed. It must not be supposed that all this matter has been fully exploited, for that is far from being true. Moreover some of the earlier publications cited are themselves incomplete or otherwise unsatisfactory; quite a number profess to be only 'Extracts from Burgh Records', and the interest of the editors who made the selection may not have been Scottish monasticism. Again, the indexes provided in some of the works listed by Dr Easson are inadequate for the purpose of his research, and that means that work must be done on the records themselves.

In method and arrangement Dr Easson's book follows closely the previous volume on England and Wales to which it is a companion; a method chosen for Scotland might well have differed in important respects. The Rule of St. Benedict reached England in 597, and England had St. Dunstan; the Rule reached Scotland only with Turgot in the time of St. Margaret. In a strictly Scottish book more could have been said of the transition, or perhaps the catastrophic change, from the long period of Celtic monasticism to the much shorter period of medieval monasticism, which is the normal type studied here, and the subject of this book. Celtic monasticism was the only form of that life which ever really succeeded in the Highlands and Islands, so poor in medieval foundations. Moreover the end of the medieval period followed a very different pattern in Scotland from that of England.

Here it might be remarked that Dr Easson thinks of a monastery too much as a legal corporation possessing endowments, and too little as the home of a community devoted to prayer and worship. The dates he gives of dissolution can mislead; we are not to suppose that a monastery, in the normal meaning of that word, existed at Coldingham until 1606, or even at Dunfermline up to 1593, even though ruins remained there, and even though, certainly at Dunfermline, some of the old community and some from other communities as well sheltered there for some time after the Reformation. These are Dr Easson's first two examples, but Soulseat (1630) and Inchaffray (not definitely erected into a temporal lordship till 1669) are still more notable. Admittedly Dr Easson's dates are useful and valuable, within the meanings he assigns to them, but surely a medieval monastery, in the normal use of the word, ends when the mass is effectively prohibited; and the prohibition of the mass was undoubtedly effective very soon after 1560. Time was required before a final settlement could be made; a large proportion of the land in Scotland was involved in the change; but the fate of the endowments of a monastery is a separate legal question, not to be identified with the history of a monastery.

Another Scottish feature might have been mentioned. Pre-Reformation Scotland had monasteries overseas from 1515, but Scotland had no further post-Reformation refugee communities, apart from those in German lands, other refugees from Scotland being absorbed into foreign houses. England, on the other hand, has quite a number of refugee communities, especially of women, but including also men Carthusians, Benedictines, Franciscans and Carmelites, all maintaining, in various degrees, continuity with former houses in England. Some reference ought to have been made to Scottish pre-Reformation houses in German lands, for the birth, death and continuity of a religious community are dependent on its corporate existence and activities, not on buildings nor on a charter-chest.

On the other hand, if we think of a monastery primarily as a property-owning legal corporation there is urgent need for some analysis of the landed endowments and appropriated churches. The real meaning of Dr Easson's 'Minimum income' figures is none too plain to any but experts, and a modern Inland Revenue inspector would have many supplementary questions. Again, one of the valuable features of the volume on England and Wales was an attempt to state at various dates the number of the beneficiaries of the endowments; that is the legal way of asking a question of the highest importance for religious history: How many men and women in Scotland heard and obeyed the call to lead a life of poverty, chastity and obedience in community under a rule? Information on Scotland is well-known to be scanty, but what little we know might have been stated. Here one surprising peculiarity of Scotland calls for comment —a subject which Dr Easson has specially studied: the small number of Scottish religious women. How comes it that several medieval Scottish dioceses never had even one nun? And were there ever at any time as many as one hundred nuns, or even eighty, in all Scotland? For England in 1500 Professor Knowles suggests a figure like two thousand nuns.

By a long-standing tradition, hospitals, only some of which were monastic, and collegiate churches, which were not monastic at all, have a place in a 'Monasticon'. The two terms need definition. We should not today include in one category hostels for pilgrims and travellers, isolation hospitals, general hospitals, orphanages, shelters for the destitute and eventide homes. The medieval 'hospital' could include activities almost as wide as the highly technical legal term 'charity'. Dr Easson has his own definition of the term 'collegiate church'; it appears to be incomplete without a provost. Here one might call attention to his treatment of the great church of St. Nicholas, Aberdeen, certainly one of the largest collegiate churches in Scotland. He gives the date of foundation as 1540, using certain documents printed in Dr Cooper's edition of the Cartulary. One of these, registered in the burgh records in 1615, purports to be a

donation of the vicarage of St. Nicholas to the College, for the sustenance of a provost, by William Gordon, last pre-Reformation Bishop of Aberdeen, on 28 March 1540. But there is something wrong with the treatment of this topic by Dr Cooper and by Dr Easson. William Gordon's name was put forward by Queen Mary as proposed co-adjutor for Aberdeen only in 1545; he was not Bishop in 1540; and when he became Bishop he was less concerned with the foundation of a great new Collegiate Church than with methods of alienating church property. The chaplains certainly regarded themselves as a 'College' long before 1540. Bishop William Gordon's efforts for the advancement of religion deserve careful study, and are fairly well documented, they are not all to his credit, and it is misleading to describe him as 'completing the collegiate constitution of the church'.

No less than thirty-two pages are devoted to hospitals, including a list of over fifty described as uncertain or unauthenticated. Dr Easson says that nothing like finality can be claimed for it, which is an under-statement. It is certainly valuable as a starting-point for future workers, but a very lengthy list of corrections to this section could be compiled from printed sources and no doubt will presently be published. Some of the hospitals existed at a date prior to that noted by Dr Easson, and some continued long after the date suggested for their termination. Anyone reading sources with this subject in mind, and noting references to a master, or to brethren, or to the sick, would soon have numerous supplementary annotations. And here the texts themselves must be read; indexes are often far from reliable, and were not compiled with a view to a history of medieval charitable organisations.

Professor David Knowles has followed up the list of medieval religious houses in England and Wales by a series of masterly large-scale studies, one on the *Monastic Order in England*, and by two out of a projected three on the *Religious Orders in England*. The time has not yet come for anything similar for Scotland, and the present reviewer, at any rate, did not find Dr Easson's thirty-nine pages on the development of monasticism in Scotland very satisfying. Sympathy with the ideals of a monk is not enough; one must have led the life of the cloister to know its weaknesses, its temptations, and its dangers, as well as its enthusiasms. Scholarship is no substitute.

But a scholar can produce material for the future researches of other scholars, and a working tool which all future scholars must use. This Dr Easson has unquestionably done.

WILLIAM JAMES ANDERSON.[1]

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SHORT NOTICES

An Antonine Fort: Golden Hill, Duntocher. By Anne S. Robertson. Pp. xii, 134; plates 8; figs. 23. Edinburgh: Oliver and Boyd. 1957. 15s.

During the last two decades the numerous and far-ranging discoveries of Roman military installations in other parts of Scotland have tended to divert attention from the Antonine Wall. This book, an account of excavation carried out on the line of the Wall at Duntocher from 1947 to 1951, is therefore a timely reminder that, in spite of the labours of previous generations of scholars, a great deal of skilful and discriminating excavation is still needed before the definitive history of the Antonine frontier in Scotland can be written.

Although it had long been known that the second fort from the western end of the Wall was situated on Golden Hill, Duntocher, no remains of such a fort were visible on the ground when Miss Robertson and her team began operations, and earlier reports of its exact location and dimensions are confused and conflicting. The main results of the excavations may be summarised as follows. (i) No evidence was found for Agricolan occupation of the hill. (ii) The earliest structure discovered on the site was a fortlet of Antonine date measuring about 60 ft. square within a turf rampart and ditch and containing traces of timber buildings. As Miss Robertson observes, this fortlet is not analogous to the small posts attached to the Wall at Watling Lodge, Wilderness Plantation and Glasgow Bridge, but it has an obvious affinity with the milecastles on the Turf Wall sector of Hadrian's Wall. (iii) In the next phase a fort was built on the east side of the fortlet to house the garrison of this stretch of the Wall. The ditch of the fortlet was filled in but the enclosure itself remained in use. The fort is the smallest so far discovered on the Antonine Wall, its internal area being no more than half an acre, and it had only three gates instead of the customary four. Excavation in the interior was restricted, but the foundations of a long stone building were uncovered together with a few scattered post-holes of timber buildings. On the west side of the fort, and contained within the same ditch system, there was the usual annexe. (iv) Confirmation of the hypothesis that the Wall was built from east to west was furnished by the discovery that the builders of the Antonine Rampart did not arrive at Golden Hill until the fort had been completed. A unique feature of this sector of the Wall is that the Ditch is accompanied by a second, outer ditch for the entire length of the fort and annexe.

The detection of the various structural elements present on the hill, and the determination of their chronological relationship, represent a fitting reward for much patient work in the field, deserving

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of the highest praise, and the results are set out in great detail in the report and are illustrated by admirably clear plans and photographs. Inevitably, however, some problems remain unsolved. The function of the fortlet, for example, is completely obscure, and until the neighbouring fort of Castlehill has been thoroughly explored it is uncertain whether it is an isolated phenomenon, or merely a single link in a chain of similar fortlets designed, perhaps, to keep watch on the Kilpatrick Hills until the builders of the Antonine Wall arrived on the scene. Then again, scarcely anything was learned about the occupational history of the site. Stratified pottery was practically non-existent, and it was not even found possible to decide whether there were two periods of occupation or three. Miss Robertson has done her best to make good this deficiency by providing, in her summing up, a valuable conspectus of the present state of knowledge about the Wall as a whole. The only possible criticism is that she has perhaps failed to emphasise sufficiently the potentialities of Duntocher itself for further excavation. Unfortunately the precise limits of the areas explored within the fort are not indicated in the report. Yet in spite of all the disturbances which have taken place in the past, it is difficult to believe that the few post-holes encountered by 'exploratory trenching' are all that survive; or that a much more complete, if not entirely coherent, plan of the internal buildings, period by period, could not be achieved if it were possible to strip the entire area systematically. A project of this magnitude may be outside the realm of practical politics at the present time, but it would be unfortunate if the impression gained currency that all the available archaeological information had been extracted from the site. Happily the remains are protected just as securely at the present time as if they were made the subject of a Preservation Order, since a large portion of them underlies a football pitch!

KENNETH STEER.

A HISTORY OF SCOTTISH BOOKBINDING, 1432 TO 1650. By William Smith Mitchell. Pp. xii, 150. 48 plates. Edinburgh: Oliver and Boyd (Aberdeen University Studies, 134). 1955. 42s.

This book is appropriately dedicated to Dr W. Douglas Simpson, the Aberdeen University Librarian, who has done much to encourage the study of Scottish bindings. At his suggestion, the late Walter B. Menzies undertook the researches leading to the establishment of Francis Van Hagen as the first Aberdeen binder. At his suggestion too, Dr Mitchell began the pursuit of Van Hagen's work, from which the present volume has grown. Accordingly it is gratifying that the chapter devoted to Van Hagen should be Dr Mitchell's best. The activities of the Van Hagen family and the working life of Francis (about 1626-36) are admirably constructed from the

available records; the characteristics of his main bindings are clearly
described and analysed; and there is, in an appendix, a census of all
his known works, amounting at present to 113. This chapter and
the section on the Shield Binder who worked in Edinburgh from the
middle of the sixteenth until the beginning of the seventeenth century
and with whom Francis appears to have had some sort of connection
show a steady refusal to push evidence too far. Original research in
a field of this width is in fact Dr Mitchell's *métier*.

But the purpose of his book is, he assures us, to study the history
of bookbinding in Scotland before the year 1650 and to compare its
development with that of western European binding generally. It is
doubtful whether there is enough material in existence to allow any-
one to carry out so ambitious a plan. All the same, although Dr
Mitchell also assures us that research on his subject had been neglected,
there is a fair amount of previous work to be sifted and assessed,
from Gordon Duff to Mr G. H. Bushnell and G. D. Hobson, to say
nothing of the entries in the catalogue of the Royal Academy's
exhibition of Scottish art (1939) and the rubbings accumulated in
various libraries, especially that of Edinburgh University, where Dr
L. W. Sharp has been one of the pioneers in these studies. And it is
here, in the proper use—or the proper neglect—of his predecessors
and in the exposition of the mixture of their work and his, that Dr
Mitchell has not always been uniformly successful, partly because he
has sometimes paid insufficient attention to the elementary mechanics
of bookmaking.

His plates could have been better. The binding of the Dunfermline
Burgh Court Book of about 1488 is reproduced from a reconstruction
in Erskine Beveridge's edition of the Dunfermline records (1917).
It is true that the original is extremely difficult to reproduce, but it
was in fact reproduced in the illustrated souvenir catalogue of the
exhibition of Scottish art at Burlington House. The famous binding
by Patrick Lowes—the only fully signed binding executed in the
British Isles before 1500 and the only fifteenth-century European
binding decorated with as many as thirty-three stamps—is repro-
duced from the plate made at the beginning of this century for J. H.
Stevenson's paper contributed to the Edinburgh Bibliographical
Society, so that the present appearance of the volume, after the
repairs carried out in the British Museum a few years ago, is not
seen. Then it would have been a great improvement to include in
the caption to each illustration details of the size and location of the
original, together with a short note of the contents of the book. If
one is working from a plate to the corresponding section of the text,
the present brief captions such as 'Binding by Francis Van Hagen' are
of hardly any use. In the text itself there is a tendency to refer to a
book simply by its pressmark in a library and the date of its publi-
cation, without any hint of its contents. There is difficulty too in

referring from the notes, which are assembled at the end, to the text, for those mention only the number of the chapter without its title, whereas it is of course the title that is used as the page-heading throughout the chapter. But this obvious fault has become so general, in far more heavily annotated books than Dr Mitchell's, that one despairs of ever seeing it set right.

Dr Mitchell's book is in itself an argument in favour of the now classic Hobsonian arrangement of plates facing descriptions, supplemented where necessary by connecting chapters. There the things that matter, the bindings that have survived, would come to the front of the stage, and Richard Air and all his crew, the merest shadows of shades, would retire to the background to which they belong. But such criticisms are perhaps a little ungrateful, and it is a pity that they have to be made, for this is a useful, indeed an indispensable and in places a really excellent book. Dr Mitchell has made important contributions to the study of several important topics, including, as well as those already mentioned, the early Dunfermline binding and the 'William Ramsay' bindings at St. Andrews.

<div align="right">WILLIAM BEATTIE.</div>

CALENDAR OF SCOTTISH SUPPLICATIONS TO ROME, 1423-1428. Edited by Annie I. Dunlop. Pp. xxxvi, 261. Edinburgh: Scottish History Society. 1956.

This volume of papal petitions, the second of the series, has taken at least one reader back to the time when Miss Annie Cameron could be encountered in the little group of scholars at the Vatican library, instructed by Father Bruno Katterbach under the aegis of Monsignor Angelo Mercati. Dr Dunlop, to whom John de Eglisham's commendation (p. 31) might then have been applied, learned her trade to some purpose. The author of *The Apostolic Camera and Scottish Benefices* has indeed made a substantial contribution to the history of the Curia, not least through the careful study of procedure which these volumes reveal; and at a period of some interest, when Scotland, long devoted to the Avignonese popes of the Schism, had returned to the unity of the church and was actively availing itself of all the services which Martin V's administration was ready, indeed within reason anxious, to provide. Alert, as his experiences at Constance had made him, and careful not to legalise abuses (cf. the guarded signatures on pp. 128, 135, 138, 139, 201), Martin showed himself friendly to Scotland, viewed the liberation of King James I with favour and assisted the king in rewarding his friends and censuring his enemies (p. 30). Scots in the service of Charles VII, like Dr John Gray, were successful petitioners, and nationals like James Scrymgeour *de nobili stirpe*, or David de Hamilton 'of a noble race of great barons', were allowed to hold rich incompatibles, the latter

increasing his income to £280 yearly. But David de Hamilton was a *curialis* like Robert de Crannach (p. 142) with six years service in the Roman Curia. Such Scots must have been taken on just after the Council of Constance, to look respectfully at seniors like the *abbreviator* William Swan and referendaries like the proto-notary, Hermann Dwerg, or Swan's friend John Ixworth, rector of Boston.

The signatures of the petitions illustrate Martin's re-enacted Chancery rules. Incidentally, to re-enact the rules (with necessary modifications) is not evidence, as the text-books say, of reactionary tendencies on Martin's part. The Chancery must have been pressing for a declaration of policy and petitioners could not wait. By the time of the supplications printed here, all was cut and dried again. From a formulary point of view this book is of much interest. The tabulated 'Classes of Supplication' (p. xxxvi) omits (because not in the rubric), the interesting type of petition *Si neutri*, which at the instance of one of the parties litigating in the court of Rome asked for the case to be cut short by an award to the petitioner when the right of neither party had so far been satisfactorily established. There are five examples of the characteristically medieval *Commissio privationis*, when the petitioner on grounds of irregularity or actual misdoing on the part of the present holder of a benefice asks for his deprivation on the pretext that he is 'unworthy' of it, and, if the fact can be established by enquiry, solicits the award of the benefice to himself. Comparatively numerous are the cases in which the Pope is asked to make a new provision because it is feared that the original collation is not sufficiently valid, showing how firmly the papal claim to dispose of all types of benefices was recognised, and how little ordinary canonical election or right of a patron to fill a benefice was valued in comparison with papal collation. A good example of the former comes from the Cistercian house of Coupar-Angus (p. 103); of the latter, from the Church of Lismore, where the chancellorship was evidently in dispute. One of the longest classes of supplication is that of *reformatio*, the revision or re-wording of the petition either because the signature given did not cover the case, or because in the original document facts were suppressed or wrongly stated. Sooner or later, if error occurred in the supplication, the Curia would find out, if only through representations from a competitor or rival. The game had its rules from which proctors of the Curia undoubtedly benefited, though, as we know from other sources, they complained that clients kept them short of money or were frequently disagreeable.

There is much matter of social and topographical importance. It seems that where a big move was concerned (cf. that of Nicholas of Atholl to the Chancellorship of Dunblane), interested parties would synchronise their petitions and there are several such elaborately co-ordinated sets. The distance from the Roman Curia created administrative difficulties, but the papacy might suspect that this was

exaggerated: John de Crannach, elected to Caithness, was given only two months in which to gather money to 'lift' or recover (from the merchants of the Curia) the letters of his provision. There is information to be gathered about university degrees. The Scots were still going to Paris and Bologna and we do not hear much about St. Andrews as yet. All these matters the editor handles with a sure touch. The only exceptions I can see are the form *benediceri* on p. 119*n* (very strange, if the Curia did spell it that way) and the statement on p. 169*n* that 'Baldassare Cossa was elected Pope John XXIII at the Council of Pisa'. The Pisan pope (Peter Philargi) was Alexander V.

E. F. JACOB.

THE ARCHITECTURE OF SCOTTISH POST-REFORMATION CHURCHES. By George Hay. Pp. xvi, 300; with 46 plates. Oxford: At the University Press. 1957. 63s.

Architectural historians have been eager to see this book in print. Watching the advances of historical knowledge of the period in other fields, they have felt the need for greater knowledge in this field. Mr Hay's book does much to fill the need, for he is not content to describe buildings as isolated phenomena; he weaves his descriptions into the context of general history and thus confronts us not only with variations of architectural form but with the various non-architectural factors which gave the Scottish kirk its own peculiar essence.

Some factors were social, some economic, others theological or liturgical. Sometimes they effected revolutions, as at Burntisland in 1592 when, to meet new liturgical requirements, a centrally planned kirk was built for the first time in Scotland. Often they continued the traditional rectangular shapes of the past with modifications, occasionally adopting the cruciform plan though not for the sake of symbolism. Mr Hay warns against assuming that continuance of medieval tradition reflects reaction against the Reformed influence, and those who prefer the *entourage* of episcopalian worship today will find him reiterating what others have said: that the early episcopacy accepted the Reformed liturgical arrangements, from which symbolic forms and ornaments were excluded.

Parallels between Scotland and the Low Countries are investigated. At the Scots Kirk in Rotterdam, where the relation is most obvious, there is a central space for the Communion table and the pulpit is set axially in a *doophek*, an onomatopoetic reminder that both the Dutch and the Scottish reformers sought prominence not only for the Lord's Supper but also for the other Dominical sacrament of Baptism. The case for a central table where the communicants sit down to the sacred meal grows stronger as we study Mr Hay's measured plans

of churches which preserve this arrangement, illustrated also by photographs. It is clear how great was the privilege conferred in this way: the true counterpart of the equally cherished privilege of Romans, Lutherans and Anglicans to advance to an altar rail and there partake.

The book deals separately with Roman and licensed Episcopal chapels. Later demolitions and reconstructions are deplored as the original simplicity of these places is praised, and by describing the simple and beautiful Roman Catholic chapel at Tynet Mr Hay shows what was ready to emerge where local toleration undid the harsh effects of proscription. By its family resemblance to remote Lutheran kirks in Iceland and the Faroes, Tynet suggests an unconscious *rapprochement* between a restrained Scottish catholicism and the conservative practice of Lutheranism under similar cultural conditions. Later Roman chapels, especially St. Margaret's, Huntly, earn praise for their uncluttered sanctuaries which he compares favourably with modern designs both for episcopalian and presbyterian chancels. Episcopal chapels followed the Reformed arrangement, with central pulpit and free-standing table before it, though the provision of a permanent cloth cover and a ministrant's kneeler gave the table a certain aura, just as the pipe organ, however puny, indicated a musical rendering of the psalms somewhat removed in quality from general Scottish usage, even if they were sung in metre.

There is no selection of one century as more truly reflecting the Reformation than another, but there are degrees of achievement. After 150 years of vernacular versions of the Renaissance mixed with memories of Gothic, Mr Hay shows delight when in the eighteenth century the Classical approach with its humanist impulses scores a definite architectural advance. Accompanied by 'quite phenomenal intellectual development' expressed in Scottish literature, philosophy and science, the work and influence of Bruce, the Adam family and expatriates like Gibbs and Cameron reach a high water mark of achievement in design: versatile planning, sensitive modelling of interior space within imaginative exteriors in all the glory of tower, spire and portico, and a wealth of craftsmanship.

Mr Hay's classification is by shape, not historical style: rectangular churches, T-plans, centred plans, and galleried hall churches. The importance of this use of spatial terms is its emphasis that here was a race of architects consciously manipulating space in order to gain significant effects. The full-page frontispiece of the kirk at Polwarth (1703) and the illustrations of St. Andrew's, Dundee (1774), Bellie Parish Kirk, Fochabers (1798), and others, contribute strong evidence against the common charge that the eighteenth century was for Scottish church architecture a dark age.

By dealing in a separate chapter with furniture, monuments and colour decoration, Mr Hay is likewise able to assemble convincing

evidence against the notion that kirks were always plain and unadorned. Newly whitewashed and with its pews and gallery fronts gaily repainted, the country kirk must have smelt like an oil-and-colourman's: how different from the musty old wood and dirt-encrusted stone many still imagine, and how different too from the results sought by restorers!

What restorers have done makes Mr Hay leave his historian's detachment. Historically the replacement of pine galleries with oak laden sanctuaries is only analogous to the reformers' own removal of features they disliked, but Mr Hay, the architect, gives low marks to changes of that kind in modern times. Many might be the distinguished company of his fellows, and their clients among the clergy, who would find him calling their efforts 'dubious' with perhaps a little more than the dictionary meaning, if the test were made. Possibly there have been mistakes. Yet a defence could be contrived. Not all new chancels are part of an unwanted influence from England and their high incidence in nineteenth- and twentieth-century Scotland is only part of an international movement, having as much effect elsewhere, in which architects and clergy have sought something earnestly believed to be catholic and universal, transcending the Reformation itself. If too little historical knowledge guided such efforts, this could now be put right by resuming the Reformers' own studies of ancient ceremonial and liturgy which the schisms of the eighteenth century, the Disruption of 1843 and much later confusion of aims has continually interrupted and misled.

F. R. STEVENSON.

FAILURE IN THE FAR EAST. By Malcolm Hay. Pp. xii, 202. London: Neville Spearman. 1957. 18s.

Early in the seventeenth century Roman Catholicism struggled in the missions to offset the losses suffered in Europe after the Reformation; and remarkable results were achieved, especially by the Jesuits. To centralise this activity Rome established the Congregation de Propaganda Fide which was successful enough to lead Cromwell to plan a Puritan Propaganda in Chelsea.

The Jesuits' most spectacular mission was in China where the mandarin-missionaries' dramatic efforts cannot fail to inspire admiration. This important mission was also the first sustained intellectual contact between China and the West in modern times. But the venture failed, because Rome condemned the Jesuits' evangelical methods there and later suppressed the Order.

The reasons usually given for this failure are manifold: the different orders in China disagreed radically about methods, the more liberal and imaginative Jesuits being accused, *inter alia*, of permitting their converts to retain certain Confucian rites; there were

institutional rivalries between the orders and the presence of different nationalities among the missionaries exacerbated these quarrels; there was also a conflict between the various Powers who patronised the mission, Spain, Portugal and France each favouring a group of missionaries at the expense of the rest. And finally, to complicate matters still further, Jansenism spread into Asia.

Major Hay in his study narrows the issue and sees the whole affair simply as a facet of the tremendous struggle between the Jesuits and Jansenists, the latter being aided directly by 'fellow-travellers' in Rome itself, and, indirectly, by the 'incompetence of the Roman Curia'. The more conventional thesis, he believes, is merely an attempt to suppress the truth 'in the interests of edification', and to cover 'Papal hostility to the Jesuit Order. . . . It is not the story of quarrels, it is the story of a plot "to crabbe down the Jesuits" engineered' by the Jansenists and their satellites, with whom Propaganda collaborated and with whom the Inquisition was in sympathy. Cromwell, it seems, need not have been worried at all.

Now undeniably, there are links between Jansenism, the Chinese Rites Controversy, and the suppression of the Jesuits in 1773, but no one has previously gone so far as to say that the notorious Controversy 'had no real existence; it was a fiction employed to cover attacks on the Jesuits'. This unusual conclusion is the result of a study of the letters of William Leslie, a Scotsman who for more than fifty years was the archivist of Propaganda and was the Agent for the Scottish Mission. These interesting letters, formerly kept in the Scots Colleges in Paris and Rome, are now in Blairs Seminary, near Aberdeen.

But one finds, in the end, and rather disappointingly, that there is little evidence to support this theory, let alone to warrant a re-writing of history. What is shown is that Leslie was a rather sinister character who strongly disliked the Jesuits and mistrusted any religious order working on the missions; that Rome was perturbed by the activities of the Jesuits and that, almost a century before the suppression, some people in high places believed that there was only one sure way of restraining them. For, it must be borne in mind, Rome was constantly receiving complaints about the Jesuits in every part of the world, from Mexico to Japan, and before the Rites Controversy was over the Curia was alarmed to see the Jesuits obstinately evading the instructions of a number of Popes. It seems facile, therefore, to see Jansenism in all the opponents of the Society.

The author unwittingly touches the heart of the matter when he describes China as ready to 'absorb' Christianity. That was precisely the trouble. The powerful Oriental tendency to syncretism was a danger to the nature of Catholicism which few Jesuits seemed to appreciate, and their willingness to accommodate Christianity to the taste of the Chinese was a step towards possible absorption and

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eventual extinction. Their more cautious opponents pointed to the struggles of the Jews and Muslims to retain their religious personalities in China, and they denounced Jesuit tactics as dangerous. This may have been nervousness: it was not necessarily ineptitude or Jansenism.

To back his researches Major Hay has read widely, but with partiality. He ignores, for example, the fundamental studies of Dr Benno Biermann, O.P., Antonio Rosso, O.F.M., and the balanced survey of Pastor Gutiérrez, S.J., as well as the contemporary letters from China published in *Sinica Franciscana*.

J. S. Cummins.

THE BAYEUX TAPESTRY. Edited by Sir Frank Stenton. Pp. 182 (including 70 pages of plates containing 150 illustrations). London: Phaidon Press. 1957. 47s. 6d.

This book is a joy to behold and a pleasure to read or to consult. Every part of it reflects a loving care in its making: paper and type are alike excellent, and the plates (made from photographs especially taken in April 1956) are admirable—those in colour being particularly good, the woollen stitches of the embroiderers appearing almost as if they were printed in relief. In addition, scholarship walks hand-in-hand with beauty. Here, to accompany a set of plates providing a complete reproduction of the Tapestry (with additional plates giving enlargements of certain details), a series of essays examines every aspect of 'an historical document as delicate in texture as it is eloquent in its momentous narrative'. A unique memorial of the past[1] has been given a definitive edition.

In his 'Historical Background' Sir Frank Stenton (the general editor) provides an examination, and also an appreciation, of the story told by the Tapestry. He finds that 'there is no point at which it can be proved to have misrepresented facts', while 'it never sinks to the denigration of Harold which soon became part of the accepted canon of Anglo-Norman history'. Notably he calls attention to the fact that nearly one third of the Tapestry is devoted to showing the relationship in which Harold stood to William—'that of a captive to his deliverer, a guest to his host, a soldier to his commander, and a vassal to his lord'—all leading up to Harold's oath which is the climax of the story. And the story is one of the downfall of a man who, great and respected, has foresworn himself and broken his faith to his lord.

The same point is made by Professor Wormald in his analysis of the 'Style and Design'. If Harold's oath was sworn at Bayeux[2] on

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[1] It is several times rightly stressed that the tapestry is unique only by virtue of its sole survival.

[2] But the earliest account says it was sworn at Bonneville-sur-Touques.

sacred relics, and if Bishop Odo of Bayeux presented the Tapestry to his new cathedral there (dedicated in 1077), might not Odo wish to convey a warning to those who swear falsely on relics, and in particular on the relics of Bayeux? *If* that were so, the Tapestry could be dated to between 1066 and 1077. But by 1067 Odo was already Earl of Kent, with his headquarters in that county. *If* he ordered the embroidery in England, should we not remember that there was an excellent school of drawing at Canterbury which was the descendant of a long and great tradition? The possibility that the Tapestry, 'certainly the creation of a single artist' though worked by a team or teams of embroiderers, was designed in England is further suggested by a close comparison of the figures (including some of those in the borders) with figures to be found in English eleventh-century manuscript decoration. Professor Wormald notes too that Max Förster had found English influence in the proper names, 'whose forms are consistently English'. Above all, to him, the astounding vitality of the scenes suggests the tradition of English art.

To Mr George Wingfield Digby, who writes on 'Technique and Production', the embroidery (and the technical distinction between a tapestry and an embroidery is clearly made) is 'like a strip cartoon' designed to tell a story to an illiterate public. It was done, we are told, in 'laid and couched work' with additional use of 'stem and outline stitches'—all carefully explained; and the little surviving evidence that we have 'may lead to the conjecture that this was a style of work which was characteristically Viking, Anglo-Saxon, or Norman, or common to the Norse peoples, who were in close relationship with one another'.

Sir James Mann analyses in detail the invaluable evidence provided by the Tapestry for a study of the arms and armour then in use in north-west Europe. Mr John L. Nevinson writes on the costumes. M. Simone Bertrand gives an account of references to the Tapestry and of its history and adventures. Mr Charles H. Gibbs-Smith provides 'Notes on the Plates', and, finally, Professor Wormald transcribes the inscriptions and provides a translation.

<div align="right">W. CROFT DICKINSON.</div>

KING'S COLLEGE CHAPEL, ABERDEEN: Its Fittings, Ornaments, and Ceremonial in the Sixteenth Century. By Francis C. Eeles. [With a Memoir of the Author]. Pp. xxvi, 270. Edinburgh: Oliver and Boyd, for the University of Aberdeen (Aberdeen University Studies No. 136). 1956. 30s.

This volume embodies the last work of the most eminent British ecclesiologist of his time. Dr Eeles was an Englishman, but as Miss Judith Scott's admirable memoir makes clear he had a long and

intimate association with Scotland. His first work was a study of *The Church Bells of Kincardineshire*, published while he was attending classes at the University of Aberdeen, and King's College Chapel had for him an early and enduring fascination.

The great interest of the Chapel is that it is 'the only college chapel in the whole of Great Britain which retains its original Gothic screen and canopied stalls', and that sufficient evidence survives to make it possible to reconstruct its medieval arrangements to an unusually complete degree. The principal evidence is contained in a Latin inventory of 1542, here presented in a new and corrected text with an English translation and a detailed commentary. This is followed by a discussion of the fabric and furnishings of the Chapel and of the liturgical rules prescribed for it by Bishop Elphinstone in 1505 and Bishop Dunbar in 1529. Four short appendices give parallel liturgical rules at Glasgow Cathedral and St. Nicholas's, Aberdeen, an invaluable note on Bishop Elphinstone and the Aberdeen Breviary, a rough list of Scottish sacrament houses of enriched type, and a few references to literature on screens and stalls. A fifth appendix contains the complete Latin texts of the foundation charters of the College transcribed and translated in scholarly manner by Dr Gordon Donaldson. The book concludes with a plan of the Chapel and no fewer than seventy-eight plates additional to the line drawings in the text and the excellent photograph of Dr Eeles that forms the frontispiece.

The work is of the greatest value to the ecclesiologist and academic historian and is marked by the richness and exactness of liturgical knowledge characteristic of its distinguished compiler. That he did not live to carry the volume through its final stages must occasion regret, for the actual arrangement of the text leaves something to be desired. Granted that the main concern of the book is with the furnishings and ceremonial of the Chapel, it might nevertheless have been preferable if the explanation of the fabric and function of the building had come first and had been followed by the inventory of its furnishings and then by the discussion of the liturgical rules that governed their use. Again, as regards the appendices, two of them are so brief and tentative that one wonders whether Dr Eeles would have published them in this form, but one's principal regret here is that Dr Donaldson's immense labour on the foundation documents should not have been allowed to stand as a section on its own account.

Constitutionally, and also liturgically, the chief significance of King's College Chapel consists in the fact that the foundation it was designed to serve was both an ecclesiastical and an academic corporation. Thus the places of the four traditional 'principal persons' in choir were taken by Doctors of the four 'superior faculties'— Theology, Canon Law, Civil Law, and Medicine—and there is the further interesting suggestion that the seat of the Rector of the

University may have been east of the stalls in the position occupied
by the bishop's throne in a cathedral. Similarly, in the inventory,
'we find the beginnings of academic dress side by side with the older
rules for the choir habit'. Dr Eeles emphasises that certain of the
usages of the Chapel confirm the impression, obtained from other
sources, that at this date Scotland was more influenced than England
by contemporary continental liturgical developments.

The illustrations are excellent in themselves and add very con-
siderably to the appreciation of the text. At the same time the in-
clusion of no less than fifty details of the carving of the stalls—not
to mention a dozen more of selected graffiti—raises a certain problem.
Without them the book would still have been very well illustrated,
and their presence here in such superb abundance is apt to provoke a
demand for some accompanying explanation of the artistic provenance
of the stalls and many other related problems. The plan of the Chapel
is clear and well drawn but there is unfortunately no explanation of
the numbers attached to the enlargement of the individual stalls.

R. G. CANT.

Scottish historians, who are still without a cr   cal edition of the
Scotichronicon, must feel a little jealous when a relatively minor
English chronicle already edited by Stubbs is issued in a new edition;
but Dr Denholm-Young's *Vita Edwardi Secundi* (pp. xxviii, 150.
Edinburgh: Nelson and Sons. 1957. 25s.) contains a good deal to
interest them. It is an account of the reign by a highly educated
Englishman who is not altogether unfriendly to the Scots, and often
very critical of his own king and people. He describes the English
campaigns in Scotland in 1310-11 and 1314, furnishes one of the more
important descriptions of Bannockburn, and provides the only account
(though unluckily the text is mutilated) of the peace negotiations of
1324.[1] There are, indeed, more references in Dr Denholm-Young's
index to Robert Bruce than to any other person in either kingdom,
not excluding Thomas of Lancaster!

From the standpoint of the English historian it may be observed
that the *Vita* has contributed so much to the common stock that we
can hardly read it without suffering from the illusion that its author
is quoting extensively from Stubbs, Ramsay and Tout. We must be
grateful to the editor and the publishers for providing a convenient
edition of such a work, with a translation which is scholarly and yet

[1] The statement of the *Vita* that Bruce was anxious for a perpetual peace in
1324 may be compared with the striking evidence of a recently published letter
of Hugh Despenser, written in October of that year. Despenser anticipates that
a forthcoming peace with Scotland will bring Bruce to Gascony to fight on the
English side in the summer of 1325 (P. Chaplais, *War of Saint-Sardos*, Camden
Society, 76).

acceptable in its own right as a readable piece of English.[1] The explanatory footnotes provide just the right amount of annotation, and include some interesting new suggestions, such as the identification of the person whom Gaveston insulted as 'the bastard' with Joan of Acre's second husband, rather than her son.

The introduction consists of three parts (i) The reign of Edward II, (ii) Sources and Date of the *Vita*, (iii) Authorship. The first may be too brief to help the novice, who is bound to find difficulty with the politics of this confusing reign, and though there is nothing sacred about Tout's division of the reign into three periods, the editor's new division into four is not very happy. Parts (ii) and (iii) are based on, and indeed in large part reproduced from, the editor's important article in the *English Historical Review*, vol. lxxii, 189-211.

It is a pity, since the detailed evidence for the editor's views can only be found in that article, that the only reference to it is the modest and not very communicative footnote on p. xxv. He suggests that the author may have been John Walwayn, D.C.L., canon of Hereford. This man (one, alas, of two persons of the same name, who were each Doctors of Civil Law, king's clerks, escheators, and members of the royal council!) died *c.* 1326, a date which well fits the scanty internal evidence for the period of composition of the *Vita*. He got himself into trouble in 1311, by going on a visit to Robert Bruce on behalf of the earl of Hereford; and in 1316 he was appointed to a mission (this time a respectable one, with royal authority behind him) to treat with the Scots. If the identification be correct, the evidence of the *Vita* for Scottish affairs is that of a man who had some first-hand knowledge. It means, too, that the long account of Bannockburn (pp. 50-56) may in fact come from the pen of a dependent of the earl of Hereford, who was present at the battle. If so, it has more authority than could be assumed by, for example, J. E. Morris, who understandably accepted the guess of Hearne[2] that the writer was a monk of Malmesbury. For a monk to have noted the significance of the victory of the infantry at Courtrai in 1302 (p. 56) would be rather surprising; and we may recall that Geoffrey

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[1] We have noticed remarkably few errors in text and translation, but on p. 3 line 15 read *cum* for *eum*; on p. 6 *novissimus error* has been rendered 'last state' by a natural recollection of Matthew xii, 45 (the allusion is present, but 'error' is needed here by the sense); p. 14, 'very remiss' suggests more blame of the king than need be implied in the Latin; p. 31, *Northumbria* here and elsewhere means 'Northumberland', not 'Northumbria'. One may add that it might have saved some readers a little research if a note had been added on p. 145 to remark on the exclusion of the annals from 1326-48 which appear in earlier editions.

[2] J. E. Morris, *Bannockburn* (1914), 53. Stubbs (it may be noted) was very sceptical about the attribution to a monk of Malmesbury (*Chronicles of Edward I and II*, ii, p. xliii).

le Baker, a secular clerk like Walwayn, is 'our chief authority on military matters in the Hundred Years War',[1] and is capable of making precisely this kind of comment. The editor does not make extravagant claims for his identification, but the suggestion is a tempting one, and it would certainly be very agreeable to remove the *Vita* from its inconvenient anonymity, and to add it to the already important collection of secular chronicles represented by *Annales Paulini*, Baker, Murimuth, Avesbury, and the *Historia Aurea*.[2]

E. L. G. STONES.

JOHN DAVIDSON: A STUDY IN PERSONALITY. By R. D. Macleod. Pp. 36. Glasgow: W. & R. Holmes. 1957. 4s. 6d.

Here, as in his *Morris Without Mackail* (1954), Mr Macleod has collected some personal impressions of a notable character by men who knew him. The various memoirs on which he draws are all easily available and their authors well known, even without Mr Macleod's notes, to anyone acquainted with the literature of the 90's. It is useful, however, to have them brought together and to see how consistent the result is. It is interesting also to see how they reflect the writers—the aloof superiority of W. B. Yeats, for instance, in comparison with lesser but more humane beings; of course Yeats is at his worst in *The Trembling of the Veil*. Any student of Davidson will be grateful for Mr Macleod's references to periodicals, and above all for one new and important document, a long letter, now in the British Museum, from W. S. McCormick to Edmund Gosse, dated 6 December 1898, giving intimate details of Davidson's scanty earnings and the drain on them of an insane brother and a needy mother and sister. The statement is honourable to Davidson—and incidentally to McCormick—still more when one reads another hitherto unpublished letter from Davidson to his sister-in-law. Mr Macleod discreetly refrains from expressing his own opinions, but no reader will mistake his modesty for lack of sympathy with the fore-doomed character he so skilfully presents, or fail to note his unobtrusive skill, tact, and precision.

W. L. R.

A SCOTTISH HISTORY FOR TODAY. By Ian Gould and John Thomson. Pp. xii, 200. London: John Murray. 1957. 7s. 6d.

This attractive little book seeks to present, for pupils in the junior forms of secondary schools, the history of Scotland from the beginning to the reign of Mary Stewart, 'against its world background'. A brave effort is made to deal with the latter by means of topics

[1] Morris, loc. cit.
[2] Cf. V. H. Galbraith, *Anonimalle Chronicle*, xiii; Tout, *Collected Papers*, iii, 14.

selected to illustrate the formative movements in European history which have helped to mould Scotland. The effect is rather episodic (the choice of topics might sometimes be questioned), but, on the whole, skilful treatment carries the story forward. Continuous narrative is avoided, and instead the main lines of development in medieval Scotland are traced in a series of vivid little cameos which illustrate not only political but (a welcome shift in emphasis this) social, economic and ecclesiastical matters. Unfortunately, the reaction from the old style 'political history' is in danger of being carried too far. Dates are used too sparingly, and this appears most disadvantageously in the all too brief treatment accorded the early Stewart kings. The authors evidently feel that little good can be reported of the fifteenth century, and this important but difficult period receives a very summary dispatch. Indeed, Columbus, da Gama and Vespucci are given as much space as the first three ill-starred Stewart kings who bore the name of James. This epitomises the main fault of the book. It fails to strike a reasonable balance between Scotland and 'its world background'. Within its limits, though, the account is accurate and utilises modern knowledge and viewpoints. There are few real lapses, but Queen Margaret struggling with the Celtic Church (p. 85) might easily have been avoided by reference to more recent work on that period. On the whole, this is a refreshing little book, well but simply written, and adorned with numerous apt figures and beautiful plates. The authors are to be congratulated on a work that deserves every success, and the two further volumes of which will be awaited with interest.

W. Ferguson.

The Scottish Universities and the Colleges of Colonial America. By George S. Pryde. Pp. iv, 55. Glasgow: Jackson. (Glasgow University Publications, New Series, No. I). 1957. 9s.

There are at least three substantial reasons for welcoming Professor Pryde's pamphlet: it is good to see a Scot entering a field which is largely the scholarly preserve of Americans; it is pleasant to note Professor Pryde's return to Scottish-American history after too long an absence from it; and, above all, the connection between the beginnings of the American college system and the Scottish universities is one which, in his words, 'in no narrow parochial spirit, deserves to be recorded and cherished' (p. 55).

In his praiseworthy desire to avoid the excesses of 'chauvinism and exclusiveness', Professor Pryde gives a careful, often austere account of the interrelationships between Scottish and American colonial universities which any student of Scotland or America in the eighteenth century should appreciate. The bibliography is particularly

valuable, though it is unfortunate that, presumably because it appeared just before Professor Pryde's own work was due for publication, William L. Sachse's *The Colonial American in Britain* (Madison, Wisconsin, 1956), which is an excellent supplement to this pamphlet, could not be included in it.

The very austerity of Professor Pryde's analysis, however, indicates a somewhat formal, over-institutional approach to his subject. One does not have to subscribe to every word of Newman's famous pronouncement to hold that a university is something greater than a sum of constitutions, curricula and procedures.

This is especially notable in Professor Pryde's treatment of the impact of Scottish philosophy on America. What he has to say about it (e.g. pp. 33, 51-52) is succinct, sound and sincere. But it is doubtful whether anyone who came to the subject for the first time would learn from his pages of the full force of this philosophy on American college teaching—that it became 'for five or possibly six decades' what Professor Perry Miller calls 'the official metaphysic of America'.[1]

Furthermore, it is surprising to find that the only reference to Principal William Robertson (p. 49) is one which has nothing to do with his work on American history which, to mention but one of its influences on America, did so much to form the American picture of the Indians.[2] Other omissions noted were the effects of Hugh Blair's lectures on rhetoric on the taste and manners of young America[3] and James Wilson's influence on early American legal teaching.[4] Though Wilson is perhaps the only *alumnus* of St. Andrews who had any serious influence on America, one wishes that Professor Pryde had devoted a little space to the consideration of the reasons for the failure of St. Andrews to have anything more than a very small effect on American colonial colleges.

Though there are references throughout this pamphlet to the Scottish universities and emerging American science, the subject is one which deserves greater examination. For example, the influence of Charles Alston, Professor of Botany at Edinburgh, on early American botany is worth more than an indirect mention in a footnote (p. 36); and a group of manuscripts in Edinburgh University Library[5] (particularly those which refer to the Colden family, important amateurs of early American science) is evidence of Scottish university scientists' influence on their American counterparts. And, although Professor Pryde in no way underestimates the contribution

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[1] *American Thought* (New York, 1954), ix.

[2] Roy Harvey Pearce, *The Savages of America* (Baltimore, 1953), 82-91, 94, 96.

[3] Robert Morell Schmitz, *Hugh Blair* (New York, 1948), 4-5, 143-4, etc.

[4] Randolph G. Adams, *Selected Political Essays of James Wilson* (New York, 1930), 5-6, 26, etc.; Charles Page Smith, *James Wilson* (Chapel Hill, N.Ca., 1956) 296, 309, 319, etc.

[5] La. III, 353; La. III, 375; Df. 9.84; Dc. 1.25-26; Dc. A.18-19.

of Scottish medicine to colonial America, it was probably greater than his six pages on it would suggest. It has been stated that the total number of Americans who studied medicine at Edinburgh between 1755 and 1766 'was more than twice the number who actually received degrees. Thus Edinburgh's influence on American medical thought and practice, always recognised as great, may properly be regarded as even greater and more pervasive.'[1]

Finally, it may be noted that, in spite of its cautions against chauvinism, there is little in Professor Pryde's stimulating essay to suggest that the influence of the Scottish on the American colonial universities was other than good. His admission that the Scottish 'common sense' philosophy may have involved 'some "loss of a . . . spirit of liberality" and of speculation' (p. 33) occurs at a place in his essay where it has little real force; and there is no indication of the criticisms that the Scottish philosophy made American theology 'lifeless and static'.[2] And one sometimes wonders whether Dr Johnson's comment on Scottish learning of the eighteenth century— that it was 'like bread in a besieged town: every man gets a little, but no man gets a full meal'—is altogether without relevance for America.

<div align="right">GEORGE SHEPPERSON.</div>

FACSIMILES OF ENGLISH ROYAL WRITS TO A.D. 1100. Presented to Vivian Hunter Galbraith. Edited by T. A. M. Bishop and P. Chaplais. Pp. xxiv + [50] + 30 plates. Oxford: at the Clarendon Press. 1957. 45s.

V. H. Galbraith was formerly Professor of History in the University of Edinburgh; his name must be known to thousands who were students there before and during the war. Of his impact upon two generations of historical scholars this is not the place to write, but some of it may be seen in the fact that his friends and pupils have honoured him not with a *Festschrift* of miscellaneous studies, some ephemeral, some dusty from their long repose in a bottom drawer, and some immensely valuable, but with a coherent work of great importance for medieval English history.

Since the publication in 1913 of the *Regesta Regum Anglo-Normannorum, 1066-1100*[3] the uncertain canons of English diplomatic in that period have become more apparent. A study of chancery and the writs, however, demanded also a facsimile edition of those extant in the 'original' so that palaeographical criteria might come to the aid

[1] Whitfield J. Bell, Jnr., 'Some American Students of "That Shining Oracle of Physic", Dr William Cullen of Edinburgh, 1755-1766', in *Proceedings of the American Philosophical Society*, vol. 94, June 1950, 279.

[2] Sydney E. Ahlstrom, 'The Scottish Philosophy and American Theology', in *Church History* (Chicago), vol. XXIV, September 1955, 269.

[3] Ed. H. W. C. Davis.

of diplomatic. This need has now been met in a book which students of other periods may envy but which is also a model and an incentive. More than any other kind of book could have done, it exemplifies Professor Galbraith's unceasing emphasis upon the sources of medieval English history, upon the critical examination and appraisal of document and chronicle, if possible in their manuscript form. The printed text is not enough.[1] We must be thankful that the sponsors of this book have shown that kind of common sense which is the leading characteristic of Professor Galbraith's judgment in historical matters.

The critical acumen of the two editors cannot be highly enough praised for they have given us a painstaking commentary on every original royal writ which survives from before 1100. We can discover the fact of this completeness only from the dust-jacket, it is true, but in other respects the editors tell in masterly fashion what their aim has been by way of introduction, and then, in their commentary, achieve this aim for document after document.

The recent monumental edition of *Anglo Saxon Writs* by Miss Harmer[2] might seem to have been definitive, but our editors have been able to find further important things to say. They have dismissed the traces of sealing in a charter of 860-6 as the work of a rodent, and they have shown that in the twelfth century the monks of Westminster Abbey set up shop to produce royal writs of an earlier day to commission. They have described the evolution of the writ from between 1066 and 1100 in three masterly pages but nowhere have they gone beyond the warranty of the evidence. In another place in this Review we discuss the importance of this book for the Scottish historian[3]; no student of the eleventh and twelfth centuries will be able to ignore it.

The photographs could not be bettered by any known process of reproduction, and the volume is a tribute not merely to Professor Galbraith but also to the meticulous scholarship of its editors and to the high standards of the publisher.

ARCHD. A. M. DUNCAN.

THE KIRK IN THE CANONGATE. By Ronald Selby Wright. Pp. xvi, 192. Edinburgh: Oliver and Boyd. 1956. 8s. 6d.

Although the writing of a parish church history can often be a snare to a minister with little material upon which to work, there is, nevertheless, a great need for well-documented accounts of many important churches in whose neglected records lies much undiscovered material concerning Scotland's social and religious history.

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[1] There is a select bibliography of the writings of Professor Galbraith at the end of the volume.

[2] Manchester, 1952.   [3] Supra, pp. 107 et seq.

Few churches contain more interesting material for the historian, and the casual visitor, than the Kirk of the Canongate, and yet, strangely enough, this is the first attempt to write a history. Dr Wright's book is not just a guide book, nor is it just a source book of the church's documents; it is an account of the most important happenings in the eight hundred years of its foundation. And it is made doubly attractive by Dr Wright's method of arranging his material. He uses a rapidly-running narrative with appendices, to each chapter, giving a selection of some of the most important documents.

He begins with an examination of the various accounts of the legend of the foundation of the Canongate Kirk, symbolised by the stag's head and antlers with the cross between, and its connection with David I. He then traces the association of the church with Edinburgh Castle and the Palace of Holyrood-house—from the time when the congregation worshipped in the now ruined Chapel Royal to the removal of the congregation to its present building, built in 1690. The church and congregation were always in the forefront of national history—the old Abbey Kirk being the place where Mary, Queen of Scots, was married to Darnley, and Charles I crowned during his visit to Scotland in 1633. Few parish churches can boast of ten of their ministers being either deposed, deprived, imprisoned or having deserted as a result of the controversies concerning government or forms of worship between 1590 and 1690.

The demotion by the Crown and Town Council of this once prominent church in the eighteenth and nineteenth centuries is recorded with a certain amount of indignation. We get the impression that had the present incumbent then been minister it would have been difficult for the Town to deal so arbitrarily with the stipend, and to deprive the ministers of the Church of being preachers to the Royal House and of enjoying the prebend at St. Giles'. All is not, however, loss. The first stirrings towards a liturgical revival in the Church of Scotland began in Canongate Kirk under the ministry of Dr Lee, and the restoration of the church's fabric under the present minister is a good example of the blending of the traditional and the contemporary in old buildings.

We would have liked to hear something of the effects of the Disruption on this church and perhaps a little less of its modern history; but that may be looking for something which the book does not pretend to give—an exhaustive history.

In this decade of rapidly rising costs in printing and publishing, it is a delight to find that this beautifully produced book, with its lavish photographs and pleasing drawings, costs only 8s. 6d.

<div align="right">J. C. Blackie.</div>

Sir James A. H. Murray: A Self-Portrait. With a Commemorative Poem by Sir Owen Seaman, Bart. Edited by George F. Timpson. Pp. 32. Gloucester: John Bellows. 1957. 6s.

The core of this most moving and wholly delightful little book is a recently discovered autobiographical letter written in 1903 by Dr J. A. H. Murray, of the New English ('Murray's') Dictionary, to Lord Bryce. In the sketch of Murray's personality and friendships which he appends to the letter, Mr Timpson is concerned especially to bring out Murray's—and thus humanity's—great debt to Dr R. F. Weymouth of Mill Hill School, and the Dictionary's debt also to the services of Murray's pupils, colleagues and friends there: 'the Dictionary was almost a Mill Hill project'. A whimsical commemorative poem by Sir Owen Seaman charmingly concludes the book.

Murray was a 'lad o' pairts' who had less of formal education than the more fortunate of these. Interested in language 'since before I can remember anything', he attended the local schools near his home in Denholm until he was seventeen and a half, when he became a schoolmaster in Hawick—'& never cost my father a penny thenceforth'. Learning was always easy for Murray, but it is strange for us today to realise that he often had difficulty in coming by the books he needed: 'I was immensely indebted to Cassell's *Popular Educator* when it came out.' About 1858, when he was in his early twenties, he began his work on Scots, and about the same time made his first acquaintance with Anglo-Saxon: 'A stray copy of Bohn's Alfred the Great by Pauli with the Anglo-Saxon text of Orosius, picked up on a stall in Leith, opened a new world to me.' Not until he was settled in his post of English master at Mill Hill did he take, at the age of thirty-six, his first university degree, the London B.A. A still greater delight to the self-taught scholar was the award, a year later, of Edinburgh's LL.D., for his E.E.T.S. editions and his classic *Dialect of the Southern Counties of Scotland*.

Murray himself learned for the first time of the Philological Society's abortive attempt to produce a historical dictionary when he became involved, more or less by chance, in a plan to produce a dictionary for two commercial publishing firms. The latter were prepared for what seemed to them an ambitious work, but Murray's idea of 'what a dictionary ought to be' far exceeded their intentions. The specimens he prepared served, however, to re-awaken the interest of the Philological Society, and the Oxford Press agreed to publish the Dictionary, but only if Murray would edit it. 'Curiously enough I had never asked myself if I was prepared to do this.' He writes touchingly of the hard choice between his own and his family's great happiness at Mill Hill and his ideal of the Dictionary and the 'never ending toil' which this exacted.

He was supported by a strong sense of vocation and a deep and

sincere religious faith. He saw his earlier life 'with its multifarious and irregular incursions into nearly every science & many arts' as training for his great work. Of his three years as a bank clerk he writes: 'I was left alone in London, doing uncongenial work, which yet I now see was useful for the Dictionary.' His greatest wish was to live to see the Dictionary completed. 'So I work on with a firm belief (at most times) that I am doing what God has fitted me for, & so made my duty; & a hope that He will strengthen me to see the end of it.'

No one who treads any part of the road laid out by this great Scottish scholar can fail to be moved and inspired by this self-portrait.

A. J. AITKEN.

We welcome a new impression of J. A. Duke, *The Columban Church* (Edinburgh: Oliver and Boyd. 1957. Pp. xii, 200. 15s). This careful and scholarly study is still the best introduction to its subject; and although this new impression appears to be a straightforward reprint of the original edition (Oxford University Press, 1932), more recent research has little affected the argument—save, perhaps, in one or two of the passages relating to Ninian.

PERIODICAL NOTES

The articles in the *Innes Review* (Vol. viii, No. II) include a description of a Scottish Angustinian Psalter (which from internal evidence can be dated 1173×1220) from the Sharp Library at Bamburgh Castle and at present in the Chapter Library at Durham; an examination of the book, *Presbyteries Triall*, its author, John Walker, and the 'person of quality', Sir Alexander Irvine of Drum, whose conversion to the Roman faith is there described; and a note on three interesting seals in the archives at Blairs College, including a specimen of the rare seal (a *bulla*) of the Council of Basel.

The *Agricultural History Review* (Vol. vi, No. I) contains a short article on 'Labour Relations in Scottish Agriculture before 1870' which is valuable for its description of early attempts at combination.

In the *Islamic Quarterly* (Vol. iv, No. I) Dr D. M. Dunlop's article 'The British Isles according to Medieval Arabic Authors'[1] provides a survey of all the relevant passages. It is interesting to note that one early fourteenth-century account speaks of the Scots paying tribute to the King of England, and also contains the story of the barnacle goose.

[1] Cf. 'Scotland according to al-Idrīsī' (*ante*, xxvi, 114-18).

Notes and Comments

ACCESSIONS TO THE REGISTER HOUSE, 1957
Collections marked* have been calendared

PUBLIC RECORDS

There were several more deposits of burgh records in terms of the Public Records (Scotland) Act, 1937, sec. 5. The most important was the large collection from Stirling, including the town council minutes, 1597-1847, burgh court and council records, 1519-1580, burgh court books, 1625-1750, burgh treasurer's accounts, 1634-1860, various registers, 16th-19th centuries, charters and miscellaneous papers on the burgh's property and affairs, 14th-19th centuries, and the court book of the barony of Cambuskenneth, 1709-1773.

Of other royal burghs, Fortrose deposited its court book and town council minutes, 1674-1705, and council minutes, 1706-1778; Burntisland, Montrose, and North Berwick added to their previous deposits, the Burntisland papers including the burgh court book, 1582-1592, council minutes, 1602-1655, and writs relating to properties within the burgh, 1565-1702.

Wigtownshire County Council deposited 119 volumes of parish council records from 18 parishes, ranging generally from 1845 to 1930.

PRIVATE MUNIMENTS

The most important family collections accepted for preservation were those of Sir Archibald Edmonstone of Duntreath, 1288-1870,* Mackintosh of Mackintosh, 1442-20th century (somewhat damaged by flooding of the charter-room at Moy Hall), and Lord Torphichen, c. 1180-1799. Smaller ones of interest were the Cuninghame of Craigends, c. 1309-1900, Shairp of Houston, 16th-19th centuries,* and Kennedy of Bennan and Finnarts, 1451-1926,* collections. Useful for local history are a valuation book of Fife of c. 1694 and the minute-books of the feuars of Gifford, 1750-1923. Mrs J. M. Jarrett deposited the family correspondence of Dr Nathaniel Spens of Craigsanquhar,* the subject of one of Raeburn's best portraits.

By Treasury authority, a charter by Henry, Earl of Huntingdon, to the abbey of Melrose, c. 1143-4, was purchased at Sotheby's on 11th December, and added to the collection of Melrose charters

deposited in 1952 by the Duke of Buccleuch; it is the oldest but one of all the abbey's extant charters.

CALENDARS AND INDEXES

Considerable progress was made during the year with the calendaring and indexing of various public records, and the calendar of the very large Ailsa collection was completed. Work on the Airlie, Biel, Clerk of Penicuik, Dalhousie, and Eglinton and Winton muniments is well advanced.

REGESTA REGUM SCOTTORUM, 1153-1424

Over fifty years ago Sir Archibald C. Lawrie published a volume of *Early Scottish Charters prior to A.D. 1153*. It is still the only published volume of its kind; and it is still a primary task in Scottish medieval studies to continue Lawrie's work of collecting and editing the *acta* of Scottish kings. The texts of many of these *acta* are at present scattered through a variety of publications, some poorly edited; others are still unprinted and are to be found both in public depositories and in private collections.

The history of Scottish government, law and diplomacy cannot be fully explored and written until a collection of all authenticated royal documents (which reveal the government at work) has been made.

A small committee of scholars is now undertaking this research work on a co-operative basis, with financial support from the Carnegie Trust for the Universities of Scotland. The members of the committee are compiling a card-index of royal *acta* from 1153 to 1424, and are also collecting photographic copies of all original documents to form a reference library. Work on the reign of Malcolm IV is in an advanced stage.

The committee is also preparing preliminary lists of the *acta* of each reign for distribution in duplicated form to interested scholars. The list of *acta* of William the Lion is now available at a price of 5s., and a similar list for Alexander II will be ready shortly. A list of dated *acta* of Robert I has already been published (*ante*, xxxii, 24-39).

The committee hope to have the co-operation of scholars, archivists and owners of documents, and will be glad to receive information about any documents within the scope of the *Regesta*, including additions to any of the preliminary lists that are issued. Professor W. Croft Dickinson is acting as a general adviser to the committee, and all correspondence (including orders for the preliminary list for any reign) should be addressed to him at the Department of Scottish History, University of Edinburgh, Old College, Edinburgh 8.

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